9231. By Mr. GREGORY: petition of Edwin J. Paxton, Sr., publisher of the Sun-Democrat, and many other prominent citizens of Paducah, Ky., urging the sale of destroyers to England; also the immediate passage of the Burke-Wadsworth selective-service bill; to the Committee on Military Affairs.

9232. By Mr. SANDAGER: Petition of the American Legion, Department of Rhode Island, advocating an adequate national-defense program for all branches of the service; to the Committee on Military Affairs.

9233. By the SPEAKER: Petition of the American Legion, Department of the District of Columbia, Washington, D. C., petitioning consideration of their resolution with reference to House bill 9974 and Senate bill 4041, to establish a Division of Aviation Education in the United States Office of Education, Federal Security Agency, and for other purposes; to the Committee on Education.

9234. Also, petition of Local Union No. 12036, Fairmont, W. Va., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9235. Also, petition of A. L. Maloyan, Long Beach, Calif., petitioning consideration of their resolution with reference to banking and currency; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, AUGUST 28, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and everlasting God, whose loving hand hath given us all that we possess: Grant us grace that we may honor Thee with our substance, and remembering the account which we must one day give, may be faithful stewards of Thy bounty and of all the responsibilities which Thou hast entrusted to our care. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, August 27, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Schwellenbach
Andrews	Donahey	Lodge	Sheppard
Ashurst	Downey	Lucas	Shipstead
Austin	Ellender	Lundeen	Slattery
Bailey	George	McCarran	Smathers
Bankhead	Gerry	McKellar	Smith
Barbour	Gibson	Maloney	Stewart
Barkley	Glass	Mead	Taft
Bone	Green	Miller	Thomas, Idaho
Bridges	Guffey	Minton	Thomas, Okla.
Brown	Gurney	Murray	Thomas, Utah
Bulow	Hale	Neely	Tobey
Burke	Harrison	Norris	Truman
Byrd	Hatch	Nye	Tydings
Byrnes	Hayden	O'Mahoney	Vandenberg
Capper	Herring	Overton	Van Nuys
Caraway	Hill	Pepper	Wagner
Chandler	Holt	Pittman	Walsh
Chavez	Hughes	Radcliffe	Wheeler
Clark, Idaho	Johnson, Calif.	Reed	White
Clark, Mo.	Johnson, Colo.	Reynolds	Wiley
Connally	King	Russell	
Danaher	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO] and the Senator from Iowa [Mr. GILLETTE] are necessarily absent.

Mr. AUSTIN. The senior Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The junior Senator from Oregon [Mr. HOLMAN] and the Senator from Connecticut [Mr. DANAHER] are absent on public business.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

PETITIONS

Mr. TYDINGS presented a petition of sundry citizens of the State of Maryland and the District of Columbia praying for the prompt enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

Mr. REED presented the petition of Samuel L. Gorham, of Turon, Kans., and 210 other citizens of that vicinity, which was referred to the Committee on Naval Affairs, and the body of the petition was ordered to be printed in the RECORD, as follows:

In the interest of our national welfare, we, the undersigned citizens of Turon, Kans., do hereby urgently request that you use your utmost influence in backing the program to deliver to England 50 or 60 of our more or less obsolete destroyers in exchange for naval bases or other considerations as you might deem proper, and that such transaction be made at once, as we believe that time is most urgent.

RESOLUTION ON CONSCRIPTION OF WASHINGTON NEWSPAPER GUILD AUXILIARY

Mr. WHEELER presented a letter from Florence Dozier, secretary of the Washington Newspaper Guild Auxiliary, embodying a resolution adopted by that organization on the subject of conscription and the national defense, which was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON NEWSPAPER GUILD AUXILIARY,
WASHINGTON, D. C.,
Silver Spring, Md., August 22, 1940.

Senator BURTON K. WHEELER,
Senate Office Building, Washington, D. C.

DEAR SIR: The following resolution was unanimously adopted at the regular membership meeting of the Washington Newspaper Guild Auxiliary, Tuesday, August 6, 1940:

"Whereas we believe that voluntary 1-year enlistment at an adequate rate of pay would provide a sufficient army for the national-defense needs of the United States: Therefore be it

"*Resolved*, That the Washington Newspaper Guild Auxiliary is opposed to the Burke-Wadsworth conscription bill."

Yours truly,

FLORENCE DOZIER.
Secretary, Washington Newspaper Guild Auxiliary.

REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 8474. A bill to further amend the Alaska game law (Rept. No. 2053);

H. R. 9123. A bill to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise" (Rept. No. 2054); and

H. R. 9124. A bill to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai" (Rept. No. 2055).

Mr. BROWN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 4571. A bill for the relief of LaVera Hampton (Rept. No. 2056);

H. R. 5264. A bill for the relief of Maj. Clarence H. Greene, United States Army, retired (Rept. No. 2060);

H. R. 6060. A bill for the relief of John P. Hart (Rept. No. 2057);

H. R. 6230. A bill for the relief of James Murphy, Sr. (Rept. No. 2058); and

H. R. 6457. A bill for the relief of the Wallie Motor Co. (Rept. No. 2059).

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, five lists of records transmitted to the Senate by the Archivist of the United States which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 298) to appoint a special committee to study and survey problems of American small-business enterprises (submitted by Mr. MURRAY on the 22d inst.), reported it with an amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KING:

S. 4309 (by request). A bill to prevent the consolidation of any railroad using the Moffat Tunnel with any other railroad using such tunnel; to the Committee on Interstate Commerce.

(Mr. LEE introduced Senate bill 4310, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. BANKHEAD:

S. 4311. A bill to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

FEDERAL AID TO VOCATIONAL SCHOOLS FOR DEFENSE-TRAINING PURPOSES

Mr. LEE. Mr. President, I ask unanimous consent to introduce a bill. The bill provides for Federal assistance to the States in making surveys, studies, and recommendations for the planning, location, and enlargement of vocational schools that will provide adequately for vocational training for defense. I request that the bill be referred to the Committee on Education and Labor.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred as requested by the Senator from Oklahoma.

The bill (S. 4310) to provide for Federal assistance to the States in making surveys, studies, and recommendations for the planning, location, and enlargement of vocational schools that will provide adequately for vocational training for defense was read twice by its title and referred to the Committee on Education and Labor.

ARTICLE BY SENATOR HOLT ON "JUST AN ENGLISH LECTURER"

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by him entitled "Just an English Lecturer," which appears in the Appendix.]

"FIFTH COLUMNS"—ADDRESS BY IRA M. FINLEY

[Mr. LEE asked and obtained leave to have printed in the RECORD an address delivered by Ira M. Finley, president of the Veterans of Industry of America, to the twenty-fifth annual conference of the Veterans of Industry of America in Oklahoma City, June 30, 1940, on the subject "Fifth Columns" Above and Below, which appears in the Appendix.]

NINETEEN HUNDRED AND THIRTY-SIX GALLUP PRESIDENTIAL POLL

[Mr. LEE asked and obtained leave to have printed in the RECORD a letter from Fred Hansen, assistant attorney general of Oklahoma, addressed to France Paris, chairman, Oklahoma Democratic Central Committee, dated August 6, 1940, and dealing with the 1936 Gallup Presidential poll, which appears in the Appendix.]

THE THIRD-TERM ISSUE—STATEMENT BY JOSEPH LEIB

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD the text of the 1928 anti-third-term resolution of the Senate and a statement relative thereto issued by Joseph Leib, which appears in the Appendix.]

EDITORIALS FROM WALLACE'S FARMER ON FOREIGN POLICY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD five editorials from Wallace's Farmer on the subject of the foreign policy of the United States, which appear in the Appendix.]

CONSCRIPTION—EDITORIAL FROM THE POLITICAL DIGEST

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial entitled "Goodbye, America!" from the Political Digest, which appears in the Appendix.]

ARTICLE BY JAY FRANKLIN ON THE NOTIFICATION CEREMONIES AT ELWOOD, IND.

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article by Jay Franklin under the heading "Willkie Ceremony Held by Courtesy of New Deal," which appears in the Appendix.]

NATIONAL DEFENSE—ARTICLE BY GEN. HUGH S. JOHNSON

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Gen. Hugh S. Johnson on the subject of national defense, which appears in the Appendix.]

CENTRAL AND SOUTH AMERICA—ARTICLE BY JOHN T. FLYNN

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by John T. Flynn on Central and South America, which appears in the Appendix.]

ACCEPTANCE SPEECH OF SENATOR CHARLES L. M'NARY

Mr. AUSTIN. Mr. President, the senior Senator from Oregon [Mr. MCNARY], who is the floor leader of the minority of the Senate, yesterday made an address at Salem, Oreg., as a part of the ceremonies of announcement to him that he had been chosen as the candidate of the Republican Party for Vice President of the United States, and the acceptance of that nomination by him.

The address of the Senator from Oregon relates to public affairs, and, among other things, states his attitude as a candidate representing the party in the war crisis. I shall not undertake to read all that he said. I read only sufficient thereof to indicate his attitude as it bears upon our deliberations here; and I shall afterward have printed in the RECORD at this point, if the Senate indulges me to that extent, a copy of the whole address as set forth in the New York Times of Wednesday, August 28.

The portions of the address to which I desire to refer are as follows:

> In common with what I believe to be the overwhelming majority of my countrymen, I oppose involvement in foreign military adventures. America, as always, prefers peace. But America does not prefer the peace of appeasement; nor the surrender of our national dignity, our independence of action, our political freedom or the civilized values that we cherish.

I omit, now, several paragraphs, and come to the following:

> In the present world situation, we still have a choice. We shall be strong, in which case we shall deter our enemies at home and abroad; or we may remain weak and thus invite their aggression. For my part, I prefer the part of strength. That has been the American choice.
>
> In conclusion may I remind you that the Republican Party this year lifts the standard of hope; a standard to which all men and women of courage and clear-sighted faith in our mighty traditions may repair. Everywhere we hear that our country faces greater perils than at any time since the Republican Party preserved the Union under Abraham Lincoln. In another hour of crisis, the Republican Party, cradled in a great tradition and seasoned in government, offers to lead America out of doubt, negation, and disunity. Problems change, new dangers arise—yet remain the ancient virtues, self-reliance, faith, hope, and courage—which animated and sustained the pioneer in his quest for a greater, ever greater America.
>
> With your cooperation, we shall renew that quest; setting our country again on the path of high adventure toward her true destiny. With your help, we shall not fail.

I renew the request to have the entire address printed in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The address is as follows:

> Mr. Chairman, Governor Stassen, distinguished members of the notification committee, honored visitors, and my neighbors and friends, I accept the nomination for Vice President so generously bestowed upon me by the Republican National Convention last June. I endorse the platform and renew my loyalty to the candidate for President, the able, magnetic, and forceful Wendell L. Willkie.

This is no ordinary campaign. The impact of the wars raging beyond both our oceans, together with our urgent concern for the peace of this hemisphere, surround the political decision we are about to make with a heightened gravity. Domestic issues, linked as they are with preparedness and foreign relations, take on enlarged significance in our present mood.

For more than 7 years we have lingered in a backwater, denying our destiny; neglecting our defenses, both spiritual and material. The great energies of America have been hindered—where not actually stifled. Some have lost faith in the future; faith in work, the source of well-being. No party is solely responsible. We of the minority have, perhaps, failed in vigilance. But the overwhelming responsibility rests upon the party in power. They have the mandate.

This campaign is more than a mere contest between rival political parties. This campaign is a conflict between philosophies—philosophies of government and of action. We must choose in November whether America shall advance again along the path of her historic mission or retreat still further into the fields of futility.

I should be guilty of a narrow partisanship unsuited to the great West were I, however, to condemn the New Deal in its entirety. Candor requires me to credit this administration with certain social gains, which have made the lot of the average man more secure—if not more fruitful and satisfying. I, for one, do not choose to relinquish these advances where they are genuine; nor to detract from the humanitarian impulses actuating the President.

In this campaign I shall not seek to indict the New Deal's motives. I shall, with all the force at my command, attack the New Deal's capacity to govern and the political and economic heresies which have deflected us from our course.

NEW DEAL POLICY ASSAILED

Every administration since Washington has made progress toward fulfilling the American dream. The New Deal is exceptional in that it, alone, has sought to substitute new states of mind for old, to inculcate reliance on the Government in place of self-reliance, and to supplant hope with fear of what lies ahead.

We may forgive the New Deal's incompetence in dealing with economic farces; its inability—or unwillingness—to further the employment of idle capital and idle hands. We might overlook the confusion in theory and practice that have curbed initiative, stalled the engines of production, and multiplied debt. We are still a rich country.

What we cannot forgive is that the New Deal, finding itself unable to restore national vitality, fashioned its plan upon the thesis that America is finished, that our economy is inevitably contracting; that opportunity has been extinguished; and that, hereafter, we must look increasingly to the Government for jobs, for security, and for the oversight of our private lives.

That concept, old as human pessimism, germinates now from a Europe which has been transformed—by poverty, political immaturity, and war—into a dismal despotism. That concept is statism; the doctrine of the ascendancy of the state over the individual. I deny its validity in terms of a youthful, vital America. I charge, moreover, that the diffusion of that concept has impaired the national spirit, and, if persisted in, might well rob us in time of the will to be free.

What we need in times like these is more democracy, not less. In an earlier period of doubt and dismay, Walt Whitman, the good, gray poet of a dynamic America, thus admonished his country:

> "Sail, sail thy best, ship of democracy,
> Of value is thy freight, 'tis not the present only,
> The past is also stored in thee."

The Philadelphia convention, meeting in the birthplace of our liberties, handed us our sailing orders; bidding us look to our vigorous past, reconstruct America, and set her anew on her course. I accept those orders in full confidence that we shall triumphantly make port in November.

LESSONS IN THE OREGON TRAIL

This occasion is, in a sense, a personal dedication. I make no apology, therefore, for personal references. Lacking only 4 years, I have served my native State of Oregon in the United States Senate for a third of its existence. In that 23 years my record has been open to the view of my countrymen. I have supported progressive measures. I have sought to conserve and employ for the benefit of all our heritage of soil, water power, and forest. I stand on that record. Not one uttered word can be expunged, not one vote recalled; nor would I wish it otherwise, considering the light that then guided me.

I should be lacking in sentiment were I not gratified by the presence of the notification committee. Many of them crossed the continent to be with us. I hope they find compensation in the grandeur of our mountains and forests and the enchantment of the Willamette Valley. I hope they may be recompensed also by the opportunity of mingling with this assemblage of free citizens of the old Oregon country, the Northwestern Empire, which once embraced all of Oregon, Washington, and Idaho and parts of Montana and Wyoming. This is pioneer country still. We here are pioneers, and the sons and daughters of pioneers; of the stock that carried American sovereignty from the Mississippi across the magnificent Rocky Mountain region to the Pacific conquering and subduing this rich domain for the Union.

Some of our visitors, flying here, crossed the old Oregon Trail in the air. Their passage across plains and mountains took only hours—instead of months. Others motored here. They reckoned traveling time in mere days. Accustomed to the ease of modern transport, it is hard to project our imaginations backward a century into the experience of the bearded men and the heroic mothers who rode uncomplainingly in covered wagons over the "iron road" from the Great Bend of the Missouri to the banks of the Willamette; following the valleys of the Kaw, the Platte, the Sweetwater, the Snake and the lordly Columbia; fording icy streams, withstanding hostile tribes, suffering hunger, thirst and sickness aggravated by strange diets and exposure—and leaving thousands of unmarked graves beside the trail.

The settlement of the Oregon country remains one of our proudest epics. At the time of the Yorktown surrender, our frontier rested on the Alleghanies. Sixty years later, the surging genius of our ancestors had pushed our borders to the Pacific. The beginning of Oregon lay in the imagination of Thomas Jefferson, the apostle of democracy, who served only two terms in the Presidency, frowning upon contemplation of a third term.

It was Jefferson who, after purchasing the Louisiana country, sent Lewis and Clark to spy out the land beyond the Rockies. Their journals kindled the interest of colonial America in the Far West. The explorer, the fur trapper and trader broke the trail. Next came the missionary, and, close behind, the homeseeker. If we pause today we may read in the old Oregon trail lessons applicable to the problems besetting us now.

THE PEOPLE MOVE ON TO THE PACIFIC

Most Americans are familiar with the broad outlines of this vast migration. They are not so familiar with the fact that it was a people's movement. The Government at Washington, absorbed in the Eighteen Forties by the acquisition of Texas and the gathering clouds of secession, virtually ignored the trend toward the Northwest. In Congress, numerous voices were raised in discouragement. It was said that Oregon lay beyond our proper aspirations as a nation; that the Rockies should mark the permanent boundary. Senator Thomas H. Benton, the Missouri giant, suggested erecting a statute of the Roman god Terminus on a peak of those mountains as a reminder of our natural limitations.

Fortunately, there were dissenters. The great Calhoun warned the Senate that, in spite of governmental objections, settlers were overrunning the Oregon country and—he suspected—the settlers, once established, would maintain themselves against the world.

No, the Government did not occupy the Oregon country. That job, thank God, was accomplished by the people. Americans had not then been instructed that they must look to Washington for inspiration and sanction for their every act. And when the pioneers found they needed to organize their rude society into lawful patterns, they made no appeal to the Government. They acted. They formed their own government.

The place where they met was Champoeg. A proud and happy sentiment encompasses me as I reflect that that hallowed place lies only a little distance from where we now meet. There, free Americans demonstrated the flexibility of the American political system; they proved that institutions forged on the Atlantic served equally as well on the Pacific and that therefore the continent could be welded into one Nation. Out of the bold and considered action at Champoeg sprang the assurance which fortified our diplomacy in acquiring title to the old Oregon country from Great Britain.

We can afford to smile at the timidity of the obstructionists who lived a century ago. In their day they thought America finished. They belonged to the tribe, seemingly numerous in each generation, which holds that the limit has been reached. Little Americans they were; the type that advocated impeaching Jefferson for his purchase and derided Seward for buying Alaska.

In like manner the little American of 1940 maintains that our race is run. The throb he hears is not the hum of America's dynamos, but the hardening of America's arteries. It is his despondent outlook that deflates the hopes of youth; insists that our industrial plant is overbuilt and that we must look forward only to a slippered senility.

We of the old Oregon country reject the hypothesis of the little American. We are optimists. We say that America is not yet half built. The little American dates the decline of American enterprise from the time when the last free land was thrown open for settlement. We hold that the theory of the last frontier is only figurative. Land, if you had to work it, never was free. Men paid for it in sweat and blood and loneliness, if not in dollars.

As long as great rivers run idly to the sea; as long as vast reaches of virgin soil await only life-giving water; as long as Americans prefer work to ease; and as long as well-being is inequitably distributed, then we say that America is not finished. Our job is to work for an integrated self-confident country, ready to undergo the discipline of the pioneer, to the end that we may not only survive in a threatening world but distribute our blessings more abundantly.

The call is for a disciplined population. I prefer the self-discipline of the pioneer to the imposed discipline of the European autocracies. The pioneer tradition is strong in our blood. All of us, whether our ancestors crossed the Atlantic in the seventeenth century or whether we ourselves came in the twentieth, are pioneers, or the descendants of pioneers. The virtues of work, thrift, and self-denial for the common good are part of our traditions. We have the tools.

What are some of the specifications for the reconstruction of America? Among the first is the preservation and fuller employment of the natural resources of soil, forest, and water power. Prudence dictates that we, at least, conserve those legacies for this and future generations.

RESTORING AGRICULTURAL EMPIRE

The prosperity of agriculture should be the first charge on the attention of any administration. Not for sentimental reasons, although society owes a real debt to those who, year in, year out, supply it with its first essentials, food and raw materials. No; the reason for our preoccupation with the farm problem is social and economic betterment. The farm stands somewhere near the center of our economy. For 75 years the farms of America balanced our foreign trade and, through exportable surpluses, provided the foreign exchange that assisted in building our factories, mines, and railroads. The first World War disrupted that profitable trade and, for 20 years, we have struggled with recurring, unmarketable surpluses.

The farm problem is by no means the exclusive worry of the farmer. In a true and realistic sense, the problem is as national as the problem of national defense. Permit me to cite an example: Statisticians find an uncanny correspondence between gross farm income and industrial pay rolls in a given year. When, as in 1929, farm income rose to $12,000,000,000, factory pay rolls also were $12,000,000,000; and when in 1932 farm income dropped to $5,000,000,000, industrial pay rolls fell off similarly.

The New Deal has administered the farm problem for more than 7 years. What is the present state of the American farmer, who, with his dependents, makes up a quarter of our population? In the year 1939 his share of the national income was the lowest since statistics have been kept. Moreover, his income during the 7 New Deal, or lean years has averaged only $7,000,000,000; whereas, during the preceding 7 years, under Republican administrations, it averaged nine billions.

Bear in mind, if you will, that the New Deal totals included all the benefit payments from the Treasury of the United States—and that the 7 prosperous Republican years include the black year 1932, which marked the depth of the depression.

Throughout this New Deal cycle, we have been confronted with the related phenomena of depressed farm prices and industrial unemployment. With the farmer producing without profit, the city worker was idle, his consuming power diminished. I have long felt that these phenomena could not be separated; that a sound policy would work toward relieving both of these disorders.

I shall discuss the farm situation in detail later in the campaign. It is a subject near my heart. For 20 years I have sought means and measures to better the lot of the agrarian producer.

For the moment, let me say that the Republican platform recommends a hopeful and affirmative farm program. It endorses the principle of parity. It advocates—and this is a departure—incentive payments to farmers willing to experiment with tillage of crops we now import. We stand pledged to continue soil-conservation payments, commodity-surplus loans; to encourage acquisition of farms by tenants and for research aimed at developing industrial uses for products of the soil. We favor continuing the food-stamp program, which serves the double purpose of assisting the needy and helping the farmer by reducing surplus crops.

The platform offers no magic formula. The problem is far too complex for any all-embracing cure. It does constitute a promise that the Republican Party genuinely seeks solutions.

A substantial solution of the farm problem may be resolved into a question of markets. Any rational plan must assign the American market to the American farmer. Beside being far and away the greatest market, it is the only one we may hope to control. The farmer is, at least, entitled to that and no Treasury benefits can compensate him for its loss.

Yet the New Deal, which, in 7 years, has failed to map out a long-range plan for reconstituting the agricultural empire, piles confusion upon confusion by following two contradictory policies at once. With one hand, the New Deal pays farmers not to sow and reap; with the other, it lowers tariff barriers so that foreign crops undersell our own in our market.

RECIPROCAL PACTS CONDEMNED

Secretary Wallace, a high-minded and sympathetic Secretary of Agriculture, may not be blamed for this second policy. Any Secretary of Agriculture would be hampered by the reciprocal trade systhem, which, in the last 2 years, has admitted competitive farm products to the value of $537,000,000 a year. That sum, it is interesting to note, approximates what the Government has paid farmers to reduce acreage and production. Experts estimate that the 35,000,000 acres withdrawn through Government payments from production correspond closely to the acreage displaced by competitive imports.

I have always opposed reciprocal-trade treaties, as formulated by the New Deal. When I spoke against their renewal last Spring in the Senate I charged that the treaties had failed to "dissipate, alleviate or liquidate the uneconomic conditions" affecting agriculture. I hold to that opinion still. Moreover, as the war spreads the areas of closed trade I gravely fear that the effects on agriculture may grow worse and we have no assurance that peace will restore foreign markets for our surpluses.

After 7 years we need a realistic reappraisal of the whole problem, and, whichever party assumes the responsibility next January, we should demand and have the formulation of a long-range policy looking to the restoration of our agriculture empire. The farmers do not wish to rely perpetually on subsidies which stop short of economic justice. They wish to re-enter the economy as independent producers. They are entitled to the fulfillment of that wish.

For years I have advocated a two-price system; a system enabling us to export without injuring the domestic price level. The McNary-Haugen Act, which looked to that end, was twice vetoed by a President. Although conditions have altered radically since the bill was last rejected, I maintain with undiminished faith that some such formula must still be sought.

Farm recovery may well be part of a greater whole. The recovery of our whole economy hinges to some degree upon removal of such obstacles to easy commerce as adverse government policies, restrictive laws, burdensome taxation and the uncertainties arising from pyramiding debt. The overall solution may only await the installation of an administration which whole-heartedly wishes again to see the United States a going concern.

RENEWING OUR FORESTS

I come to a problem that profoundly touches my emotions. We stand today in the heart of the last considerable area of virgin forest left in the United States; the majestic remnants of nearly a billion acres of timber that clothed this country when the first Europeans saw it. I was born within sight of the great trees that characteristically dominate the western scene from the Rockies to the Pacific. In my lifetime I have witnessed the growth of the lumber industry to its present huge proportions and the expansion of the social and recreational value of our forests. It is but natural, therefore, that during my years in the Senate I have made legislation affecting the forests my special province.

Everyone knows that American timber resources are being swiftly depleted. We take assurance for the future, however, from the knowledge that they may, with care and wise Government policies, be restored. Happily a substantial portion of our forest lands are being managed and utilized in ways that best safeguard social values, provide maximum employment, guarantee future supplies, stabilize streams and soils and conserve our rich endowments of natural beauty and wildlife.

Yet, much more can be done. The Government equitably could assume half of the cost of abating loss from fire, insects, and disease to the desirable point where forests might become insurable risks. Credit facilities are rudimentary and inadequate. Forest taxation too often tends, by laying too heavy an immediate burden, to compel uneconomic exploitation and forced liquidation.

Unproductive areas increasingly should be acquired for public ownership and the exploration and research arms of the Forest Service should be expanded. Deserted villages and abandoned cut-over lands are the price society pays for wasteful nudations of our forest areas. The remedy for this ruthless policy is a Government-encouraged program of perpetuating this natural resource by regulating the volume of the crop that annually can be harvested. This means balancing the budget between the growth and the cut.

POWER—A NATIONAL HERITAGE

Power is the prime requisite of modern industrial existence. A measure of America's industrial magnitude may be found in the fact that one-half the installed horsepower in the world is developed within our borders. Steam power made England the industrial colossus of the nineteenth century; steam plus electrical power has made the United States the industrial giant of the twentieth.

Yet America's water power resources are still largely undeveloped. In the mountainous parts of the Pacific West, where strong rivers run unimpeded to the sea, a major portion of the country's potential hydroelectric power still waits to be harnessed. Fortunately the principle on which this power may be made available has long been recognized. The Federal Government accepts the obligation to control floods and assure navigation. Out of these services flows the byproduct of power.

Unfalteringly the Congress has granted to the public preferential rights to power generated from navigable streams. Such power should be a common heritage. The Government, having made this power available, should have an indisputable right to control its utilization and distribution. Maximum benefits for domestic consumers, farmers, and small users of power should be the yardstick by which we measure the usefulness and serviceability of every Federal development.

Moreover, rates should be maintained at the lowest level consistent with sound amortization. Where irreconcilable conflicts arise between public and private interests in the development and distribution of power, private holdings should not be confiscated; and we now have a working precedent for such fair treatment in the recent acquisition by purchase of private companies by the Tennessee Valley Authority.

From the standpoint of the Treasury, the records of the great public power projects at Boulder Canyon on the Colorado and at Bonneville on the Columbia are reassuring. Both are liquidating their commitments to the Government, as no doubt the mighty power and reclamation development at the Coulee Dam on the upper reaches of the Columbia likewise will do. The subject of hydroelectric power deserves fuller treatment, which I expect to give it in a later speech.

ATTITUDE IN WAR CRISIS

The resources we have been considering bear pertinently on a subject uppermost in our minds as we look across the Atlantic. I refer to preparedness for defense. The last war disclosed deficits in power and farm and forest products. A shortage of power in certain eastern industrial districts deprived domestic consumers of service. Food deficiencies caused meatless, wheatless days and the plowing up of the short grass prairies in what is now the Dust Bowl.

In common with what I believe to be the overwhelming majority of my countrymen, I oppose involvement in foreign military adventures. America, as always, prefers peace. But America does not prefer the peace of appeasement; nor the surrender of our national

dignity, our independence of action, our political freedom, or the civilized values that we cherish.

The existence of aggressive despots in Europe is not new to our experience. We administered a lesson to George III. Napoleon inconvenienced our commerce. Monroe and John Quincy Adams effectually warned the Holy Alliance to keep its arbitrary hands off this hemisphere. We helped bring Maximilian's imperial adventure in Mexico to an inglorious end.

Nor have we failed to exercise our guardianship over countries within the scope of the Monroe Doctrine. Unless I mistake our temper, we are no less firm and positive today. We are not a docile people and we propose to work out our destiny on our terms.

In the present world situation, we still have a choice. We shall be strong, in which case we shall deter our enemies at home and abroad; or, we may remain weak and thus invite their aggression. For my part, I prefer the part of strength. That has been the American choice.

In conclusion may I remind you that the Republican Party this year lifts the standard of hope; a standard to which all men and women of courage and clear-sighted faith in our mighty traditions may repair. Everywhere we hear that our country faces greater perils than at any time since the Republican Party preserved the Union under Abraham Lincoln. In another hour of crisis, the Republican Party, cradled in a great tradition and seasoned in government, offers to lead America out of doubt, negation, and disunity. Problems change, new dangers arise—yet remain the ancient virtues, self-reliance, faith, hope, and courage—which animated and sustained the pioneer in his quest for a greater, ever greater, America.

With your cooperation, we shall renew that quest; setting our country again on the path of high adventure toward her true destiny. With your help, we shall not fail.

PRINTING OF BOOK, THE POLITICS OF OUR MILITARY NATIONAL DEFENSE

Mr. AUSTIN. Mr. President, I send to the desk, for reference to the Committee on Printing, a book dealing with, and having the subject of, The Politics of Our Military National Defense, with the Defense Acts of 1916 and 1920 as case studies.

The book makes available in condensed form the history of the action of political forces within the United States of America which have shaped our military national-defense policy from 1783 to 1940.

As a contemporary study dealing with an important phase of the legislative action of Congress now developing, this book is of value for research, as well as for the light that it throws upon the way leading to national unity through understanding.

The division and arrangement in the book is a logical one that is based upon the chronology of events developing the story of our military-defense policy from Washington's barrack book of May 1783, entitled by him "Sentiments on a Peace Establishment," to the National Defense Act of 1920, characterized by the author of this book as "the constitution of our military policy."

On this base the author builds up the story of the last 20 years, principally from first-hand information collected by him from Army, Navy, Congress, press, and author.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. AUSTIN. I willingly yield, but I prefer to have the Senator wait until I finish this short statement.

Mr. WHEELER. I merely wish to ask if the book contains the minority report of the Committee on Military Affairs opposing conscription in 1916, and some of the speeches made by some of our distinguished friends and leaders on this side who are now for this bill.

Mr. AUSTIN. Mr. President, the book does not contain that report. In this brief space of 250 pages it describes the contest and conflict between two opposing ideas relating to national military defense which collided in 1916 and the 3 years preceding that time, leading up to the act of 1916, which again collided in 1920; but those theories were in conflict from the time of the Revolutionary War up to that time, and they have persisted, and are again in issue on the floor of the Senate. That is one reason why this book is so interesting and, I think, helpful.

I continue my description of this book, which I am not making solely for the present auditors of my statement. I have prepared this statement with a view of having it as concise as possible.

The author develops the distinction between the two major policies, the attrition of which upon each other has logically resulted in the type of military-training-and-service provision which would produce a small professional standing Army and a large reservoir of citizen soldiers. This was called by Washington "a well-regulated militia," and by the author "the citizen Army of America."

The opposing plans shown by this book to have been in conflict through the years were represented on the one side by such leaders of thought as Washington, John Adams, Jefferson, Madison, and Monroe, who favored universal military training, and on the other side by Secretary of War Calhoun, Gen. Emory Upton, General Sherman, Chiefs of Staff Scott and March, and Secretary of War Garrison, who favored universal military service, that is, a large professional standing Army—compulsory military training on the one hand, compulsory military service on the other hand.

The PRESIDENT pro tempore. Will the Senator pardon the Chair for calling his attention to the fact that under the rule his remarks now will be limited to 15 minutes?

Mr. AUSTIN. Mr. President, I have but a few lines more. I ask unanimous consent to continue until I shall have finished this statement.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent to continue his statement without its coming under the rule. Is there objection? There is no objection.

Mr. AUSTIN. On the one hand is a democratic system of which the Swiss military system is an example, and on the other hand an autocratic military system of which the German Army is an example.

The usefulness of this work is enhanced materially for legislators who may desire quick reference to authorities upon the subject of national defense, by the inclusion therein of a 10-page bibliography.

The author of this book is E. Brooke Lee, Jr., who wrote it in 1940 for his senior thesis at Princeton University, which awarded him the New York Herald prize for the best thesis of contemporary importance.

The PRESIDENT pro tempore. Without objection, the book referred to by the Senator from Vermont will be referred to the Committee on Printing, as requested, with a view to its being printed.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. HAYDEN. Mr. President, section 7 of the pending bill prohibits the payment of bounties, the hiring of substitutes, or the payment of money to escape military service. I ask unanimous consent that that section be printed at this point in the RECORD, together with a copy of an amendment I offered to the Selective Draft Act of 1917, which became a part of the law, and a brief excerpt from the proceedings in the House of Representatives at the time the act was adopted.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable to service in such forces shall be permitted or allowed to furnish a substitute for such service; no such substitute shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable to service in such forces shall be permitted to escape such service or be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from service in such forces or liability thereto.

[From the CONGRESSIONAL RECORD of April 28, 1917]

Mr. HAYDEN. Mr. Chairman, I offer an amendment, to come in as a new section.

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The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Mr. HAYDEN offers the following as a new section: Page 8, after line 2, insert:

" 'SEC. 3. No bounty shall be paid to induce any person to enlist in the military service of the United States, and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States, and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any valuable thing whatsoever as consideration for his release from military service or liability thereto.' "

Mr. HAYDEN. Mr. Chairman, I am offering this amendment in good faith, in a sincere desire to perfect the bill.

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Mr. KAHN. I hope the gentleman from Alabama will take 5 minutes for some member of the committee to oppose the amendment.

Mr. DENT. I do not think it is necessary.

Mr. KAHN. Well, if the gentlean feels that way, I agree with him that it ought to be killed.

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Mr. HAYDEN. Mr. Chairman, the gentleman from California has been unkind enough to sneeringly suggest that no argument need be heard in opposition to this amendment. I trust that a part of his suggestion will be followed, for I hope that its merits will so appeal to every Member of the House that the amendment will be adopted with but little debate.

The House has just gone on record by an overwhelming vote in favor of the selective draft as a method of obtaining soldiers for this war. I did my best to preserve the voluntary principle, and I still believe that it is right to raise armies in that way, but I must bow to the will of the majority. Since we are to have conscription, let us make it as fair and just as possible. I offer this amendment in good faith and at the suggestion of a number of Members of the House who believe that there should be a direct and positive prohibition against the payment of bounties to secure enlistments, the procurement of substitutes by men when drafted into the service of the United States, or the payment of money to escape personal military service.

Mr. BARKLEY. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. BARKLEY. I want to ask the gentleman for information as to his construction of the bill, if under the bill it is not impossible to do any of these things?

Mr. HAYDEN. There is no affirmative permission in the bill to do any of these things, but there is nothing in the bill that denies the right to do them. I want a provision in this bill which will prevent the States from paying bounties to get men to make up their quota of the military forces. The gentleman from California [Mr. Kahn] stated yesterday that in the Civil War $289,900,000 was paid in bounties by the Northern States in order to obtain soldiers to fill up their quotas for the Union Army. We now have the National Guard and, if not recruited to full war strength by the voluntary system, then men can be drafted to fill up these organizations. There is nothing in this bill to prevent any State from paying bounties in order to avoid the draft and afterward making a claim against the Federal Government for the money so expended.

The gentleman from California [Mr. Kahn] also stated that the United States Government, during the Civil War, paid $363,662,000 in bounties, making a total of over $650,000,000 paid for this purpose. Let there be an affirmative declaration in this bill that bounties cannot be paid, so that the States and the Nation will be on notice not to pay them.

The gentleman from Illinois [Mr. Cannon] has told us in the course of his remarks that of the 199,000 men who were subjected to the draft in the North, but 43,000 actually served in the Federal Army. He produced statistics from The Adjutant General to show that of the remainder 73,000 furnished substitutes and 83,000 paid the $300 commutation. Nothing of the kind should be permitted in this war. There should be neither bounty jumpers nor substitutes, nor should the rich be able to avoid exposing themselves to the risk of battle by the payment of money.

The gentleman from California [Mr. Kahn] declared yesterday that this bill was not a matter for today, but that we ought in this hour to prepare a military policy that will last for all time. I appeal to you gentlemen, if we are going to pass this bill and adopt a permanent policy for raising armies in time of war, we should make this declaration now. I ask the chairman of the Committee on Military Affairs if he can see any harm that can possibly come from the adoption of this amendment.

Mr. DENT. I will state to the gentleman from Arizona, as I stated to him when he showed me his amendment, that I thought his amendment was entirely unnecessary, because there was nothing in the law that would authorize it, but I could see no harm in its adoption.

Mr. HAYDEN. I want to say that the language of the amendment is not all mine, and I have no pride about it. That part of the amendment relating to substitutes was taken from an act passed by the Confederate Congress, in Richmond, on the 28th of December 1863. The last part of the amendment, prohibiting the payment of money to escape service, is taken from section 57 of a bill introduced at the beginning of this Congress by the gentleman from California [Mr. Kahn], House bill 92. The wording that I have used is not original with me, but the bill was prepared by the General Staff and introduced by the gentleman from California [Mr. Kahn]. Now he is not willing to stand sponsor for it. I believe the House ought to go on record at this time against these three pernicious practices; that is, the payment of bounties, the employment of substitutes, and commutation in money for personal military services.

Mr. KAHN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KAHN. House bill 92 is a peace proposition and not a war proposition. It provides for the training of men in time of peace. This is a war measure.

Mr. HAYDEN. That is all the more reason why my amendment should be adopted. In time of peace but few would want to hire substitutes, and no State would pay bounties except in time of war.

Mr. KAHN. The bill does not authorize the payment of bounties, and it does not permit the service of a substitute.

Mr. HAYDEN. The bill does not prohibit these evil practices; it is silent. I want an affirmative and positive declaration which shall be notice to all men that bounties will not be paid, that money cannot purchase an exemption, and that substitutes cannot be employed. There are many men now living who well remember that in the time of the Civil War all of these things could be and were done in both the North and the South. The adoption of this amendment can do no harm, and it will be laying down a proper military policy for the United States. [Applause.]

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Mr. CLARK of Missouri. Mr. Chairman and gentlemen, by an overwhelming vote this morning this House voted to adopt the system of conscription. I did all that I knew how honorably to prevent it, but when the House of Representatives has voiced its sentiments I go with it. [Applause.] I am going to vote for the volunteer amendment, and then I am going to vote for the bill at last; but that is neither here nor there. The amendment offered by the gentleman from Arizona [Mr. HAYDEN] to prevent substitutes, or paying out by a commutation tax, is the most sensible amendment, the fairest and most American that has been offered in this entire debate. If we are going to put these young men under conscription, I say do not let any rich man's son buy out of the Army. [Applause.] Any man who will send a substitute to war is a dastard and a coward, I do not care a straw who he is.

Did not they buy themselves out during the Civil War? That is the reason I want it provided here that they cannot do it in this war. This selective conscription is bad enough. It puts a premium upon favoritism [applause], it puts a premium upon bribery, it puts a premium upon corruption. [Applause.] I voted to take the word "selective" out of the bill, and if we are going to have a conscription at all, I want it to be general and absolutely fair. If poor men's sons have to go into this war, and, of course, they will—for nobody is fighting the creation of an army here, nobody is fighting against this war, but we are exercising the freedom of speech to express our opinion about what we think is the best way to raise an army—then I am everlastingly and teetotally opposed to giving rich men's sons an opportunity to back out of the war by buying their way out and letting the rest of our boys do the fighting. [Applause.] It ought to be put in the bill now and made plain, and then we would not get so many of these abusive and slanderous telegrams from all over the country. I am glad that the age limit has been raised to 40 years. I would like to have seen it raised to 45, 50, 55, or 60 or 65 or even 70 years. A lot of old skunkers all over the country who think that nobody is going to be forced into this war except boys from 19 to 25, and that their miserable, cowardly hides will be safe, have been sending these abusive and slanderous telegrams here. My friends, we want to preserve this army business as far as we can from scandal, and that is exactly what the amendment of the gentleman from Arizona does; and the sooner the people of the country know it, the better they will be off.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the Chairman announced the ayes seemed to have it.

Mr. KAHN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Committee divided; and the tellers (Mr. HAYDEN and Mr. Kahn) reported that there were—ayes 188, noes 80.

So the amendment was agreed to. [Applause.]

Mr. WHEELER. Mr. President, on Tuesday, August 20, 1940, there was printed in the Livingston Enterprise, Livingston, Mont., one of the outstanding conservative, independent Democratic papers of my State, and editorial entitled "Draft Men for What?" which reads:

DRAFT MEN FOR WHAT?

Leaders who are opposing the draft seem to have caught on to its object.

There seems no real purpose at this time in enlarging the military forces, because there is not, and will not be for many months, any modernized equipment to train them with.

National Guard men who are at training centers now are using old trucks and trailers with "tank" signs painted on them in order to simulate conditions of warfare. They are not learning how to operate the modern, intricate machine which is the tank.

Instead of learning to use antiaircraft guns, modern machine guns, and other weapons, they are using imitations made of gas pipe, mounted on wire wheels.

Certainly the Army cannot be serious in asserting that the delay in the draft bill has upset plans for putting the first group of men in training by October 15, for not even the Regular Army is trained in the use of mechanized weapons. In fact the War Department is not yet decided upon the design for some of the weapons with which it intends to equip the Army.

Those men drafted now would have served their year and would be released before even seeing, much less learning to use, a modern weapon.

The purpose of the draft bill, then, must be to provide labor for defense purposes.

That is what the labor leaders assert. They say that the Army could get all the fighting men it needs by reducing the enlistment period to 1 year and making the pay the same as that for the C. C. C. What they are afraid of is that jobs ordinarily performed by civilians, at union wages, will be done by conscripts at $21 or $30 a month.

David Lawrence, Washington commentator, writing in his daily column, says:

"Much of the support for conscription is being given on the theory that the principle of an equally distributed burden of service is sound, but it is significant that the American Federation of Labor and the C. I. O. are publicly against conscription and are working hard in the halls of the Capitol to defeat the legislation. Why should they be doing this if they do not feel that the conscription bill is merely a method of regimenting workers to get jobs done that ought to be done by civilians?"

It will be 1942 before the Army can equip 800,000 men with modern weapons, William S. Knudsen says. It will be 1944 before 2,000,000 men can be equipped. There is plenty of time to try a voluntary enlistment system before then.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. I desire to make a parliamentary inquiry for the protection of Senators. There is no amendment or substitute now pending, and remarks made now are presumed to be made on the bill. Under the order which limits addresses to one speech on the bill, Senators might find themselves at a disadvantage.

Mr. WHEELER. I was not making a speech.

The PRESIDENT pro tempore. The Chair will state the parliamentary situation. There is an amendment pending, the committee amendment as amended to date.

Mr. BARKLEY. The committee amendment has been treated as the original bill, so that, of course, amendments can be made in a way that would otherwise be in the second degree. We have been treating the committee amendment as the text of the bill itself. My only object was to notify Senators who might later desire to speak on the bill not to exceed their time.

The PRESIDENT pro tempore. The Chair will hold that under the agreement no Senator may speak on the bill until the committee amendment and substitutes and amendments have been disposed of. All speeches now are on the committee amendment or some amendment to the committee amendment.

Mr. BARKLEY. Very well.

Mr. LEE. Mr. President——

Mr. HOLT. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I do not have the floor.

The PRESIDENT pro tempore. The Chair was about to recognize the Senator from Oklahoma, and will recognize him. Does the Senator from Oklahoma yield to the Senator from West Virginia?

Mr. LEE. A parliamentary inquiry. I did not wish to speak on the bill. I desired to take advantage of what I thought was the morning hour to insert two matters in the RECORD and to introduce a bill out of order. I ask the President pro tempore whether, if I do that, I will be prevented from speaking on the bill.

The PRESIDENT pro tempore. The Senator may speak 15 minutes in the aggregate on an amendment. He cannot speak on the bill until the amendments are disposed of. There is no morning hour today, and any speeches which are made in connection with anything are a part of the 15 minutes to which each Senator is entitled.

Mr. WILEY. Mr. President, I call up from the desk an amendment I desire to offer, and ask that it be read.

The PRESIDENT pro tempore. The clerk will read.

The LEGISLATIVE CLERK. On page 22, line 15, before the period, it is proposed to insert a semicolon and the following:

And shall have no authority to induct persons into such forces under the provisions of this act, except pursuant to voluntary enlistment, until the Congress shall hereafter declare that an emergency exists which necessitates the compulsory induction of persons into such forces.

Mr. WILEY. Mr. President, if this amendment were agreed to, section 6 would read:

The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose; and shall have no authority to induct persons into such forces under the provisions of this act, except pursuant to voluntary enlistment, until Congress shall hereafter declare that an emergency exists which necessitates the compulsory induction of persons into such forces.

Mr. President, I shall not take my full time of 15 minutes, and I should appreciate it if I could have the attention of the Senate. I have sat here hour after hour and given attention to others who have spoken, and for these brief 10 minutes I ask that a similar courtesy be shown me, not that I am entitled to it, but because I think that this is no place for closed minds, that here we are supposed to hunt out the truth and apply it to the national interest.

Mr. President, the Nation wants to be prepared. Those who do not want conscription state that if the President calls for volunteers the Nation can get all the volunteers it needs—by voluntary enlistment. Those who want the draft say we cannot get them by voluntary enlistment.

Now it is agreed by everyone that it will take at least 60 days to set up the machinery of conscription—60 days after the passage of the bill. That would bring it probably close to the first of the year.

It is also conceded by nearly everyone that no real effort has been put into obtaining volunteers, because there has been no arrangement to absorb a large number of enlistees. It appears conclusively that every quota has been met.

It appears conclusively also that our first line of defense is the Navy, with a supplemental air arm. Our second line of defense is our air force, and the third line of defense would be our Army.

Mr. President, it appears conclusively that with an adequate and up-to-the-minute navy, and with an adequate and up-to-the-minute air arm, we could not be successfully attacked.

Here is another significant and conclusive statement. It appears now that Germany's effectiveness on every front so far has been due to the fact that she had a spearhead, made up of possibly one hundred to one hundred and fifty thousand men, who were equipped with super land dreadnaughts, which spearhead had effective cooperation from the air, such cooperation consisting of bombing planes and strafing planes, and behind these superdreadnaughts were smaller ironclads. Then followed mechanized units, swift and terrible, equipped with rapid-firing guns and flame throwers. Then behind them came the infantry and trucks.

I repeat, it appears conclusively that our Army and our National Guard and our air force have not been trained in this "blitzkrieg" method of offense or defense, which means that they, too, have to learn the new technique, and this means time.

It appears conclusively that millions of men, if unequipped with ways and means of stopping these superdreadnaughts and the air armada, are like sheep before the wolf.

It appears conclusively that we are going to continue going into the red as a Nation, but twice as fast. For the last 7 years our deficits have been approximately two and one-half billion dollars a year, and it appears that this year the deficit will run five or six billions, which means that we should not do a lot of unnecessary things. It also means that we should not lose our heads.

Therefore, Mr. President, I feel that my amendment is worthy of consideration. I know that it is conceded that the noses have been counted for some time and that conscription will win. I have sat here for nearly 3 weeks now, and I have listened hour after hour, and I have now stated what in my opinion the undisputed evidence shows. Now I am asking the Members of the Senate to listen to me for an additional 5 minutes.

Mr. President, I said we represent 130,000,000 people. We should not have closed minds. When it is conceded that because of conditions as they are it will probably be January 1, 1941, before any conscript could be brought into training, not because of any delay caused by the debate in the Senate, but because the country was and is unprepared to absorb conscripts, then it appears to me that there is a way out of this controversy, there is a way out of this difference, a compromise way, if you please; there is a compromise road which we can travel without any injury to the safety of America. There is a road we should travel, because there are tens of millions of people in our country who prefer, I believe, that we should not start now to conscript.

My amendment would make possible this very thing. If the Senate accepts my amendment and passes the pending legislation, we would have a law which would operate this way—and please bear it in mind.

First. We would have the machinery for conscription set up, we would have the men registered, we would even have them selected.

Second. In the meanwhile, the President of the United States could call for volunteers in such lots as the Army should determine, and such lots as the Army could absorb and train.

Third. If it appeared at any time that the calls of the President—mind you, the volunteers are being fed in, they are coming in response to the call of the leadership of this Nation—if it appeared at any time that the calls were not being met, and any crisis or emergency was evident—and the crisis might be due to a number of causes, external or internal—then the Congress by resolution finding that fact, would immediately put the machinery of conscription into motion. The machinery is there, the men are listed, the men are selected, they have had time to take up the matter with those who employ them, and made the necessary arrangements, as well as made the necessary arrangements with their families.

Mr. President, what would be the effect, the real beneficial effect?

First. Because times have changed in the world and conscript armies, large armies, are not the thing, I believe it would be found that we would get by this volunteer method all the volunteers we needed. I believe that with a conviction which was born after listening for 3 weeks to the arguments in the Senate, and after talking to many people.

Second. We would say to a great section of our people by this very gesture that the Senate of the United States does not believe in our country going military—becoming militaristic-minded.

Third. If the President issued the call and set the facts before the people, we would have the example before the world of young democracy in action. We would see men who have been unemployed, young men in the C. C. C. camps, young men in the colleges, responding to the call.

We want an answer to Hitler. What is our answer? We are not prejudicing our plan whatsoever, but are giving America a chance. We are not saying to Hitler, "We cannot get men to defend the country unless we force them under the crack of the lash."

If the President of the United States issued a call to America, and gave its youth the facts that necessitated the men being called to the service—and, mind you, they have been responding now far beyond the quotas—the finest example that could be set to the world would be the response of our young men to the call of their country, men who want to serve, not men who are compelled to serve.

As I said, that would be a great thing. In this call I assume the President would say to the youth, "We need 10,000 men who, like the Senator from Maryland, were trained as machine gunners. We need 10,000 men to become automobile mechanics. We need 10,000 men to do this and to do that." Thus men could volunteer and be selected for service; and, mind you, all the time you are doing this, our machinery is available, and it is available as quickly as we need it, even if we pass the pending legislation as it is.

Mr. President, in my humble opinion, the people of the United States are entitled to this kind of legislation, first saying to them, "We are going to be prepared to meet any emergency by registering and selecting men, but we are not going to select anyone until 60 or 90 days are up." According to the undisputed testimony here, no one would be selected until the expiration of a period of 60 or 90 days; that is, we are not going to induct men until that time. If youth responds, why must we have a whiplash of registration?

I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

THE GALLUP POLL ON THE PRESIDENTIAL ELECTION

Mr. LEE. Mr. President, many of our people are impressed, and some are influenced, by the Gallup poll. The Gallup poll has been published lately as showing Mr. Willkie leading President Roosevelt. I wish to call attention to the same Gallup poll of 1936, which, on August 16, showed 20 States for Mr. Landon; 28 States for Mr. Roosevelt; 276 electoral votes for Mr. Landon; 255 electoral votes for Mr. Roosevelt.

The same Gallup poll in 1936, as of September 6, showed 20 States for Mr. Landon; 28 States for Mr. Roosevelt; 275 electoral votes for Mr. Landon; 256 electoral votes for Mr. Roosevelt.

The same Gallup poll as of September 13, 1936, showed 20 States for Mr. Landon; 28 States for Mr. Roosevelt; 275 electoral votes for Mr. Landon; 256 electoral votes for Mr. Roosevelt.

Then the situation changed. The advantage swung over to Mr. Roosevelt. But the similarity of the poll with that of today is very striking. The Gallup poll, I may say, as of November 1, 1936, just before the election, showed 7 States for Mr. Landon, which was 5 more than went for him, and 42 electoral votes for Mr. Landon, which was 34 more than he received.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. ASHURST. Mr. President, I shall take 3 minutes of the time allotted to me on the amendment.

Opulent with irony as are all human affairs, I do not at the moment know irony more poignant or more comic, if you choose, than the circumstance that the War Department has complained that it cannot secure adequate voluntary enlistments, when at the same time the War Department has flagrantly, openly refused to obey the law authorizing voluntary enlistment. It has been demonstrated that in various recruiting stations young men who endeavored to enlist for 1 year were told by recruiting officers that they could not enlist for a year, but must enlist for 3 years; notwithstanding that Congress on June 4, 1920, passed a law now in effect permitting enlistments for 1 year at the option of the soldier.

If the War Department, in good faith, had carried out and enforced this law, and had notified the young men that they had the right to enlist for a year if they chose, there would have been no backwardness, no slacking in enlistments.

I should be fair enough to say that in my opinion neither Secretary Woodring nor Secretary Stimson had aught to do with this deception practiced on the young men who sought to enlist for 1 year.

The War Department is a large concern. I doubt if the respective Secretaries I have mentioned actually knew that recruiting officers were discouraging voluntary enlistments. The refusal to observe this law was occasioned doubtless by some chief, who, exercising his own will in flagrant disregard of the law of Congress, refused to permit young men to enlist for a year.

Mr. President, surely I am not far from right when I say that, opulent with irony as are all human affairs, the most poignant irony is the complaint of the War Department that it cannot secure voluntary enlistments when the power of that

great Department has been used to discourage voluntary enlistments for 1 year.

Mr. VANDENBERG. Mr. President, I wish to make a matter of record a press release from the War Department for Saturday morning, August 24, for whatever bearing it may have upon the question of the extent of existing facilities to receive additional Army enlistments at the present time. This press release indicates that after all existing facilities are utilized to their maximum capacity, the various facilities which it is now proposed to create are necessary "to provide additional shelter for troops of the Regular Army and the National Guard under the present expansion program."

I call attention to the fact that the list includes new cantonments to receive and accommodate 230,000 men. In other words, it would appear from the War Department release that there is a shortage of facilities in respect to the Regular Army and the National Guard, without even approaching the subject of an additional conscript or volunteer army. There appears to be a shortage of accommodations for 230,000 enlisted men. This bears upon my sustained belief that our immediate defense problem is not more manpower but equipment and facilities for manpower now existing and already "on order."

I ask that the release be printed in the RECORD in connection with my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

AUGUST 24, 1940.

The War Department announced today that construction of cantonments in cold-weather climates and the establishment of tent camps in warm climates are being initiated in order to provide additional shelter for troops of the Regular Army and the National Guard under the present expansion program.

Due to lack of funds only a start on these camps can be made, and the full construction program to make them habitable must wait further appropriations which cannot be requested until full authority for calling the National Guard and legislation for selective service has been enacted.

In all cases existing facilities are to be utilized to their maximum capacity. Construction at the following listed locations is contemplated for units as indicated:

Location	Units to be provided for	Approximate strength	Type of construction
Fort Clark, Tex.	1 square division	18,300	Utilities and hospital facilities for tent camp.
Do	Miscellaneous troops	537	
Fort McClellan, Ala.	1 square division	18,300	Do.
Do	1 observation squadron	163	
Camp Jackson, S. C.	1 square division	18,000	Do.
Do	1 antitank battalion	547	
Do	1 Field Artillery regiment	1,245	
Do	Miscellaneous units	1,450	
Fort Sill, Okla.	1 square division	18,000	Do.
Do	1 observation squadron	163	
Do	1 Field Artillery regiment	1,448	
Do	Three Hundred and Forty-ninth Field Artillery.	1,194	
Do	Increase to present organization.	65	
Massachusetts Military Reservation, Falmouth, Mass.	3 regiments	5,625	Cantonment, with necessary utilities and hospital facilities.
Do	Coast Artillery (antiaircraft).	----	
	Later:		
Do	1 square division	18,300	
Do	1 battalion Infantry	700	
Harbor defense of Boston, Mass.	1 harbor-defense regiment	2,319	Do.
Harbor defense of Long Island, N. Y.	do	1,798	Do.
Harbor defense, Narragansett, R. I.	do	1,798	Do.
Harbor defense, Portland, Maine.	do	1,798	Do.
Harbor defense, Sandy Hook.	do	2,319	Do.
Harbor defense, Cheaspeake Bay.	do	1,798	Do.
Fort Dix, N. J.	1 square division	18,300	Do.
Fort Bragg, N. C.	Ninth Division and miscellaneous troops.	11,050	Do.
Do	1,000-man recruit-reception center.	----	
Camp Custer, Mich.	Fifth Division and miscellaneous troops.	9,000	Do.
Do	1,000-man recruit-reception center.	----	
Fort Benning, Ga.	Armored division	16,000	Do.
Do	Fourth Division		
Virginia State Camp, Virginia Beach, Va.	1 Coast Artillery regiment (155-mm. gun).	1,986	Do.
Camp Blanding, Fla.	2 square divisions	36,600	Necessary utilities and hospital facilities for tent camp.
Do	2 Field Artillery regiments	2,800	
Camp Shelby, Miss.	2 square divisions	36,600	Do.
Do	Miscellaneous units	5,250	
Fort Monmouth, N. J.	First Signal Company (construction).	148	Cantonment with necessary utilities and hospital facilities.
Do	First Signal Company (repair).	134	
Fort Belvoir, Va.	Miscellaneous engineering units.	420	Do.
Fort Brown, Tex.	Increases to Twelfth Cavalry.	364	Do.
Fort Crockett, Tex.	Coast Artillery units	446	Do.
Fort Sam Houston, Tex.	Miscellaneous units, including recruit-reception center.	4,000	Do.
Normoyle General Depot.	Miscellaneous increases to garrison.	307	Do.
Fort Lewis, Wash.	Miscellaneous units	675	Do.
Do	1 square division	18,300	
Do	Recruit-reception center for 1,000 men.	----	
Camp Ord, Calif.	Seventh Division and miscellaneous units.	10,000	Do.
Camp McQuaide, Calif.	1 Coast Artillery Corps regiment (155-mm. guns).	1,986	Necessary utilities and hospital facilities for tent camp.
Camp Robinson, Ark.	1 square division	18,300	Utilities, hospitalization for tent camp.
Do	1 Infantry regiment	2,776	
Fort Devens, Mass.	1,500-man recruit-reception center.	----	Cantonment, with necessary utilities and hospital facilities.
Fort Sheridan, Ill.	1,000-man recruit-reception center.	----	Do.
Fort Snelling, Minn.	500-man recruit-reception center.	----	Do.
Fort Leavenworth, Kans.	500-man recruit-reception center.	----	Do.
Fort Benjamin Harrison, Ind.	1,000-man recruit-reception center.	----	Do.
Fort George G. Meade, Md.	1,500-man recruit-reception center.	----	Do.

Specific designation of the units which will occupy these camps will be announced at a later date.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. WILEY] to the amendment reported by the committee. On this question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a pair with the senior Senator from Oregon [Mr. MCNARY], and therefore withhold my vote.

Mr. MCKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the senior Senator from Arkansas [Mrs. CARAWAY] and will vote. I vote "nay."

Mr. TYDINGS (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I transfer that pair to the junior Senator from Delaware [Mr. HUGHES] and will vote. I vote "nay."

The roll call was concluded.

Mr. MCKELLAR. My colleague [Mr. STEWART] is unavoidably detained on official business. If he were present he would vote "nay."

Mr. MINTON. The Senator from Nevada [Mr. MCCARRAN] is paired with the Senator from Oregon [Mr. HOLMAN]. I am advised that the Senator from Nevada, if present, would vote "yea," and that the Senator from Oregon, if present, would vote "nay."

The Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Delaware [Mr. HUGHES], and the Senator from Nevada [Mr. MCCARRAN] are necessarily absent.

Mr. AUSTIN. The Senator from Oregon [Mr. McNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Connecticut [Mr. DANAHER] is detained on official business.

The Senator from Oregon [Mr. HOLMAN] has a special pair on this question with the Senator from Nevada [Mr. McCARRAN]. If present, the Senator from Oregon would vote "nay," and the Senator from Nevada would vote "yea."

The Senator from North Dakota [Mr. FRAZIER[, if present, would vote "yea."

The Senator from Connecticut [Mr. DANAHER] is specially paired on this question with the Senator from Tennessee [Mr. STEWART]. If present, the Senator from Connecticut would vote "yea," and the Senator from Tennessee would vote "nay."

The result was announced—yeas 27, nays 55, as follows:

YEAS—27

Adams	Davis	Murray	Tobey
Ashurst	Donahey	Nye	Vandenberg
Brown	Holt	Reed	Van Nuys
Bulow	Johnson, Calif.	Shipstead	Walsh
Capper	Johnson, Colo.	Smith	Wheeler
Clark, Idaho	La Follette	Taft	Wiley
Clark, Mo.	Lundeen	Thomas, Idaho	

NAYS—55

Andrews	George	Lee	Reynolds
Austin	Gerry	Lodge	Russell
Bailey	Gibson	Lucas	Schwartz
Barbour	Glass	McKellar	Schwellenbach
Barkley	Green	Maloney	Sheppard
Bone	Guffey	Mead	Slattery
Bridges	Gurney	Miller	Smathers
Burke	Hale	Minton	Thomas, Okla.
Byrd	Harrison	Neely	Thomas, Utah
Byrnes	Hatch	O'Mahoney	Truman
Chandler	Hayden	Overton	Tydings
Chavez	Herring	Pepper	Wagner
Connally	Hill	Pittman	White
Ellender	King	Radcliffe	

NOT VOTING—14

Bankhead	Downey	Hughes	Stewart
Bilbo	Frazier	McCarran	Townsend
Caraway	Gillette	McNary	
Danaher	Holman	Norris	

So Mr. WILEY's amendment to the committee amendment was rejected:

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following bills and joint resolution:

On August 22, 1940:

S. 3954. An act relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

On August 27, 1940:

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national-park scenery;

S. 2758. An act for the relief of Wade Crawford, formerly Superintendent of the Klamath Indian Agency;

S. 2997. An act for the relief of the Greenlee County Board of Supervisors;

S. 3354. An act for the relief of Nannie E. Teal;

S. 3400. An act for the relief of Capt. Robert W. Evans;

S. 3581. An act for the relief of John L. Pennington;

S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939;

S. 3710. An act for the relief of James H. Hearon;

S. 3741. An act for the relief of Charles P. Madsen;

S. 3866. An act for the relief of George W. Coon;

S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida;

S. 4011. An act to authorize the Secretary of the Interior to accept payment of annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes;

S. 4137. An act relating to transportation of foreign mails by aircraft; and

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 313. An act to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States;

S. 823. An act for the relief of John P. Shorter;

S. 927. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.; and

S. 4042. An act to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian irrigation project, Idaho.

The message also announced that the House had passed the bill (S. 760) for the relief of Mrs. Guy A. McConoha with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 527) for the relief of J. J. Greenleaf, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RAMSPECK, and Mr. THOMAS of New Jersey were appointed managers on the part of the House at the conference.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6334) for the relief of Pearl Waldrep Stubbs and George Waldrep.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 809. An act to confer jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment on the claim of Mike L. Blank;

H. R. 1429. An act for the relief of William C. Reese; and

H. R. 2919. An act for the relief of Marie K. Trottnow, executrix of the estate of Alfred H. Trottnow, and Paul Lindley.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas;

H. R. 6334. An act for the relief of Pearl Waldrep Stubbs; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 809. An act to confer jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment on the claim of Mike L. Blank;

H. R. 1429. An act for the relief of William C. Reese; and

H. R. 2919. An act for the relief of Marie K. Trottnow, executrix of the estate of Alfred H. Trottnow, and Paul Lindley.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

The PRESIDENT pro tempore. The question is on the committee amendment as amended.

Mr. RUSSELL. Mr. President, I desire to call up an amendment offered by the Senator from Louisiana [Mr. OVERTON] and myself, and ask for its consideration at this time.

The PRESIDENT pro tempore. The amendment to the committee amendment will be read.

The LEGISLATIVE CLERK. In the committee amendment, at the appropriate place, it is proposed to insert the following:

SEC. —. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671) is amended to read as follows: "*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms."

Mr. RUSSELL. Mr. President, there is nothing new or radical in the proposed amendment. In Public, No. 671, which has already been enacted by the Congress and which was approved by the President on June 28 of this year, the following provision is found:

Provided, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility.

The language which I have just read is found in existing law. This amendment extends the same power and privilege to the War Department as is accorded the Navy Department in the language of the statute from which I have quoted.

The pending amendment proposes a change in the general theory of the provision. The law now on the statute books permits the Secretary of the Navy to fix compensation to the owner of the plant or facility which is taken over. That provision is, of course, of very doubtful constitutionality, because it involves the taking of property without due process of law. The pending amendment strikes out the proviso which permits the Secretary of the Navy to fix the compensation of the owner of the plant, provides for the institution of condemnation proceedings under existing law, and gives the Secretary of the Navy in the case of the Navy or the Secretary of War in the case of War Department contracts the right to enter into possession of the property upon the filing of the condemnation proceedings.

Mr. President, this amendment is not offered with any idea of baiting or aspersing industry in this country. It is an effort in good faith to make the same law applicable to both departments that are now engaged in the preparedness program and to meet a condition which has already slowed down national-defense preparations. It is designed to assure against any strike of business in performing contracts which are so essential in providing matériel of war to make our national defense invulnerable.

Mr. President, Senators stated to me in discussing this amendment that the proposition should be dealt with in the consideration of the tax bill. There is no way on earth to reach by taxation a concern that absolutely refuses to make any of this matériel of war, because they can go into any line of private business or they can close up their plants; they can refuse to take Government contracts and make different kinds of machinery for private contractors rather than for Government contractors if they wish. No tax measure will reach a situation of that kind.

The testimony before the subcommittee of the Appropriations Committee, in considering the large appropriation bill which will be the next order of business, presented some very shocking facts. While we were here debating a conscription bill to take the manhood of the country into the armed forces without their consent, certain industries in this country were refusing to consider essential contracts with the Department of the Navy because they were not satisfied with the margin of profit which was allowed under existing law. The time I have will not permit me to read in detail from the hearings, but I commend them to the attention of Senators.

Admiral Furlong, in testifying before the committee, said this:

I have a contract here with a company that bid on the guns for 28 of the destroyers, or 144 guns, 5-inch anti-aircraft guns, and just a week ago, I received word from them that they cannot go ahead on it because they have received telegraphic information from five or six subcontractors saying that they cannot go ahead on it. The reason is that there is much more business in the country than they can take on without being subjected to the Vinson-Trammell Act provisions.

The testimony of the admiral made it very clear that there are certain highly specialized lines of industry in this country which are absolutely essential to producing the armaments and the machinery of war essential for the men we are proposing to call to the colors under the pending legislation.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. RUSSELL. I only have 15 minutes, but I will yield briefly.

Mr. VANDENBERG. I desire to ask the Senator to explain precisely how his amendment would operate in a case such as that to which he has just referred. Would it commandeer the subcontractor, or would it commandeer the principal contractor?

Mr. RUSSELL. Only the subcontractor would be subject to the provisions of this amendment. It is merely to avoid a situation wherein the manufacture of munitions of war, one highly specialized line of business can hold up the entire contract. The contract might amount to $40,000,000 or $50,000,000 and the subcontract might not amount to over $500,000, but the article covered by the subcontract would absolutely defeat the entire $50,000,000 contract unless it could be obtained.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. RUSSELL. I yield briefly.

Mr. BARKLEY. I understand the Senator's amendment does not contemplate that the Government shall take over, in a general way, business or even land, but that, in the event the Government discovers that it needs either a tract of land or a facility, and the price cannot be agreed upon the Government is then simply authorized to bring condemnation proceedings as in other instances where the Government needs property.

Mr. RUSSELL. Exactly. The Government has the power now to take a man's property for a post office. This is only to meet the question of an existing emergency when a plant refuses to cooperate in any manner with the Government.

Mr. BARKLEY. It seems to me that the Senator's amendment is reasonable, and I am glad to support it.

Mr. RUSSELL. I thank the Senator, and I am glad I yielded to him.

Mr. HALE. Mr. President, will the Senator yield?

Mr. RUSSELL. I have only 15 minutes, but I will yield to the Senator from Maine, as he is a member of the subcommittee.

Mr. HALE. Will the Senator explain his statement that the amendment would apply only to subcontractors?

Mr. RUSSELL. I did not say it is applied only to subcontractors. The Senator from Michigan propounded the inquiry as to whether or not it would apply to a contractor who had a large contract or the subcontractor who refused to accept the Government business, and I stated it only applied to a subcontractor who had refused, because under the express terms of the amendment if a contractor is willing to proceed his plant could not be taken over under the language of the amendment.

Mr. HALE. But if the contractor says he is not willing to proceed, it then applies to him.

Mr. RUSSELL. Of course, if he refuses to proceed it applies to him, as it properly should. Here we are calling the young manhood of this country into the Army with or without their consent; we are not going to ask them, "Are you satisfied with your pay? Are you satisfied with your clothes? Do you like the mess they give you? If you do not, we will let you out, and you may go into some other line of business." The amendment says to the contractor, "Where you have a limitation on your profit of 8 percent and are not willing to go ahead with the Government and to give the men the machines with which to fight, then we will take over your plant and let it out to some other contractor who is willing to proceed to make the machines."

The President has well said that the modern machinery of warfare is worth absolutely nothing without the men to handle it, and the men without the machinery are practically helpless. Such a picture is presented today on the fields of France, where soldiers as courageous as any who ever lived were slaughtered by the thousands, because they did not have the machinery that has come to be used in modern warfare.

Mr. President, this proposition, as I have said, is not intended to reflect upon American industry. Undoubtedly 98 percent of the industry of this country is as loyal and as patriotic as any other class of our citizens. They are willing and anxious to cooperate with the Government in the preparedness program; they are doing all they can to help the National Defense Board, the Department of War, and the Department of the Navy in arriving at contracts that will furnish us the proper matériel.

This amendment says to the 2 percent who might be willing to refrain from assisting, in the hope of extorting still greater profits out of the National Treasury, "You must cooperate in the program or else we will avail ourselves of the condemnation laws of the country to take you over and put you in the hands of someone who will cooperate with the Government."

I would be willing to go much further than the pending proposition, but I think I know something of the present temper of the Senate when it comes to a question of imposing any limitation whatever on industry. This amendment does not go so far as to say that the Government shall take over all industry, but only that which refuses to cooperate in this period. To achieve complete preparedness we should make available to the national defense the wealth, the industry, and the genius of America, as well as the vitality and lives of American manhood. Men are more important than money, and I hope that subsequent legislation will see that no vast fortunes are created while men are drafted at a dollar a day. I intend to do all within my power to see that no man or class of men derive unusual benefits from the national emergency. Each should be willing to serve the national interest in the place he is best qualified to fill.

Mr. LEE. Mr. President, I rise to support this amendment. In my opinion, it is mild enough. Perhaps it should go further and even provide for drafting the management of industries which refuse otherwise to cooperate.

The Chief of the Air Ministry of France said before the Battle of Paris:

> Five hundred American war planes would make it sure that not a German would pass.

The American war planes did not arrive and the Germans did pass. I do not say that in criticism of American industry, but to show how lack of material might determine a battle upon which rests the fate of civilization itself.

During the World War we had the example of months of delay, according to reports of the committee investigating the munitions industry, caused by the Du Ponts, who refused to build a powder plant in Old Hickory, Tenn., until they had reached an agreement and come to terms with respect to the contract. I have been very much amazed at the attitude during the past few weeks of some manufacturers who have delayed taking Government contracts until they could know what the profits would be, until they could know what the tax would be, until they could know whether or not they could amortize their plant extension out of the profits of the industry.

In the World War, just before the zero hour, long lines of men in olive drab would look at their wrist watches, waiting to go over the top, waiting for the zero hour. They were men whose pay was a dollar a day and a chance to die. What would have happened to one of those men if, just before going over the top, he had turned to his officer and said, "I refuse to go over the top until you raise my pay"? He would have been court martialed.

There is inherent in every government the power to supply its own needs. A government which does not have the power to supply its own needs soon falls. That means an implied power in the government, in a national crisis, to commandeer all materials, all money, all manpower for the defense of the government.

What may a government take? A government may take everything it stands to lose in case it loses a war. In case America should be engaged in another war, if we should lose that war, we should stand to lose everything—all property, all liberty, and all rights. Therefore, the Government has inherent power to commandeer all material, all manpower, all wealth, if need be, for the defense of the country.

England did not begin to fight until she concentrated her power in the hands of one man, one organization, and gave that organization power to reach out and get the money. If need be, to reach out and take control of the factories which were slow to take government orders, and to call in the manpower.

Mr. President, this amendment will help break the bottleneck which today is hindering the United States from putting herself in a state of strong national defense. I have been amazed and disappointed to learn that all of these months have passed and contracts have not yet been let, because the manufacturers are waiting to know whether or not we are going to pass an excess-profits tax, and boldly said so, according to an article which I put into the CONGRESSIONAL RECORD. Mr. Olds, the chairman of the steel board, so stated. I have been astonished at their attitude. I think the least we can do is to adopt this amendment, which I consider very mild. It has the advantage of the power of eminent domain, in that it would give the Government the right to take possession of a factory without waiting for a decision.

Mr. President, the only way in which I can justify a vote to draft the manpower of the country, is to put industries and money on the same basis. I think we are in a desperate crisis. I have said so for a long time, and I believe it.

I do not agree with the Senators, some of whom spoke yesterday, who discount the danger that threatens this country. It has been said that we are not at war with anyone, which is true, of course, but would those Senators deny that today despotism and democracy are at death grips? I say the very philosophy of free men is at stake today, and we cannot put our heads in the sand and hide from that situation. Certainly our very liberty is in danger. The same Atlantic Ocean which has been our protection would be a highway of attack, would be our vulnerable point of attack,

should the British Navy fall into the hands of the dictators today.

I want to see our Government have the power to mobilize at once the industries of the country. I believe the adoption of this amendment will go a long way toward giving the Government that power, and it is my opinion that the power will not have to be used except in very exceptional cases.

It was argued yesterday that we are not in danger; that if we have war we can then call out the men and take all the necessary steps to defend our Nation after war comes. But, Mr. President, we cannot argue the present entirely in the light of the past, because of the modern war technique of "blitzkrieg" attacks. We should not have time to start our factories. Certainly if we need to start training men—and I believe we do—we should start our factories to work, and let them know that we mean business.

I should like to see the War Industries Board crack its whip, and this amendment gives it power to do so. This amendment will say to industry, "We expect you to take these contracts and we expect you to turn out these materials." Indeed, we are threatened. Every liberty of this country is threatened, and I believe the time for temporizing is past.

It is said, "How could any dictator land troops in this country?" In the World War, 20 years ago, we landed 2,000,000 fighting men across the same Atlantic in spite of all the German U-boats, without the loss of a single transport.

It is also argued that we are not in danger because the troops that might invade us would have to bring over their materials and supplies. Has Hitler ever depended upon supplies from Germany? Certainly not. He lives off the land he takes.

It has been argued—it was argued yesterday—that after the present war is over the warring nations will be too exhausted to be a threat to this country; that they will not be dangerous. Do you mean to tell me that Hitler would be exhausted when he would have under his control all the nations of western Europe, when he would have all the war machinery of 12 nations besides his own, when he would have under his control all the manufacturing plants, the greatest in the world, for the manufacture of war materials, when he would have several times greater shipbuilding facilities than the United States, when he would be in control of the greatest navy that floats the seas if he strikes down Britain—his own navy, the Navy of Italy, the Navy of Britain, with whatever is left of the French Navy—a total sea power several times greater than our own? When he would be flushed by victory, and the greatest treasure, America, was just across the ocean, and he had the means of crossing that ocean, do you mean to tell me he would be too exhausted as a result of the war to strike at America? Remember he would be the victor. He has strengthened himself with every acquisition. He has taken the men in the conquered countries and placed them in labor battalions, and thereby freed more Germans for fighting. It is argued that he would be too exhausted by a conflict which has really strengthened him.

Mr. MINTON. Is it not true that the same parties who are arguing now that Mr. Hitler would not have the strength to carry on after this war now going on in Europe were arguing before the war broke out that he did not have the wherewithal to conduct a war at all?

Mr. LEE. Exactly. The so-called military experts now being quoted as saying that "it can't be done" were the same ones who ridiculed the idea of parachute troops, who ridiculed the idea of Hitler going into Norway, who ridiculed the idea of Hitler being able to cross the Albert Canal. They made fun of any power being able to take the Maginot Line, or to conquer the Army of France.

I have quit believing "it can't be done." I wish to give the United States every advantage. That is why I believe we must not only mobilize our manpower, but, by the adoption of this amendment, mobilize the industry of the United States. I hope the amendment will be agreed to.

Mr. OVERTON. Mr. President, as the Senator from Georgia [Mr. RUSSELL] has stated, he and I are the co-authors of the amendment.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. RUSSELL. I intended to say, but did not in the limited time available to me, that the Senator from Louisiana is the author of the amendment, not a co-author. I merely offered the amendment in his behalf in the committee, and brought it to the floor. A situation arose when we were discussing the provisions of a House bill which I was opposing, and the Senator from Louisiana suggested and prepared an amendment relating to the method of acquisition by the Government of the plants referred to.

Mr. OVERTON. I thank the Senator for that statement. At the same time, the Senator took a very active interest in the examination of the witnesses appearing before the Committee on Appropriations in respect to the situation out of which the proposal for the amendment arises.

When hearings were being held on August 8 before the Senate Committee on Appropriations, General Moore took the stand, and stated:

> General MOORE. The Chief of Staff has asked me to correct one statement which he made with reference to contracts for airplanes.
>
> In his testimony the other day, due to a misunderstanding, he stated that contracts had already been let for four-thousand-two-hundred-odd airplanes with the manufacturers. The real situation is that these contracts have not yet been let, due to the hesitation of manufacturers on account of the present situation with reference to amortization.
>
> They desire that some definite action be taken by Congress with reference to amortization before they will sign contracts.
>
> I think General Arnold or General Brett can explain that more in detail, if desired.

General Arnold said, and I am quoting from page 67 of the hearings:

> That is what I was going to do. In connection with the statement just made by General Moore, we have not placed the contracts for those airplanes for the reasons as stated, and in addition, due to the fact that the industry feels that there are so many uncertainties, unknown quantities, that they have to contend with that they find it difficult to arrive at a fair price for these airplanes.

Thereupon he proceeded to discuss the Vinson-Trammell Act and the proposal for amortization, then pending and still pending before the Ways and Means Committee of the House of Representatives.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. TAFT. As I understand, the question about amortization only arises where a man is asked to erect a new plant, or to extend his plant or machinery in order to build airplanes. How can a man spend millions of dollars of his stockholders' money without having some definite idea of what disposition is to be made of that expenditure and what on earth he is to do with that plant, costing millions of dollars, when the present emergency is over? Is that not necessary before he actually signs a contract which not only asks him to devote his facilities to the work—that may be one thing—but asks him to spend millions of dollars in building a new plant and putting in new machinery?

Mr. OVERTON. What the Senator says may be very correct, and doubtless is correct, and I am not opposing the amortization plan, but the record of the hearings shows that the subcontractors who did refuse to contract were not subcontractors who were called upon to build new plants but subcontractors who were operating existing plants.

Mr. GEORGE. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I yield.

Mr. GEORGE. I wish to know whom the Senator has been quoting.

Mr. OVERTON. I was just quoting from General Moore and General Arnold.

Mr. GEORGE. General Moore and General Arnold. I wish to make the statement that under existing law the Treasury of the United States has the power to amortize any contract, either for materials purchased in a plant already in existence, or for a new outfit. I think it is time that someone in the Senate stated the simple truth. They have the absolute power and authority. They are simply "passing the buck."

Mr. OVERTON. Mr. President, I think the Senator from Georgia is absolutely correct, and one of the representatives

of the Navy or the Army, appearing before the committee, I have forgotten who it was, stated that the Treasury Department did have that authority, and had to some extent, I do not know to what extent, exercised the authority.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. LODGE. Let me congratulate the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON] on this amendment. We are giving the Government power to conscript men who are essential to war service, and it seems to me unanswerable that if we are giving the Government such power, it is only just and fair to give the Government the power to conscript industries which are essential to war service. I shall support the amendment.

Mr. OVERTON. I thoroughly agree with the Senator in the observation he has just made, and thank him for his valuable aid.

Getting down to facts again, Admiral Furlong, testifying before the committee, referred to telegrams he had received from various subcontractors. For instance, I read from page 193 of the hearings, where, referring to a telegram, he stated:

> There is one here from a bearing company. These are bearings that are needed to turn the guns on. They have to be furnished to the Goss Co., and they say:
> "Cannot recommend performance on proposed limited profit basis because manufacturing process is extremely hazardous."

Then he read the following from a bearing company in Philadelphia, which said, according to the statement of Admiral Furlong:

> With reference to the additional training gear and requirements, our factory has a large contract in progress under the Vinson Act. We protest the small margin of profit allowed, and question the advisability of accepting increased volume. Letter follows.

Here is another from a subcontractor in Milwaukee, Wis., regarding the production of gun-mount weldments, 5-inch antiaircraft:

> We protest terms permitted under Vinson Act.

The Vinson-Trammell Act permitting 12-percent profit, and that profit was reduced by an act of Congress to 8 percent, and by reason of the reduction of 4 percent these subcontractors determined that they would not go on and contract with the contractors, and therefore the Government was at a standstill, insofar as these contracts were concerned. Bids had been submitted to the departments for the construction of airplanes and for the furnishing of other matériel, and these subcontractors, learning, I dare say, through the press, that the probability was that certain legislation would be enacted by Congress which would increase their profits, undertook to withdraw, and did withdraw their bids, so that in many instances no contract could be entered into by the War or Navy Department.

Admiral Furlong further stated, as appears on page 188 of the hearings:

> I have a contract here with a company that bid on the guns for 28 of the destroyers, or 144 guns, 5-inch antiaircraft guns, and just a week ago I received word from them that they cannot go ahead on it because they have received telegraphic information from five or six subcontractors saying that they cannot go ahead on it. The reason is that there is much more business in the country than they can take on without being subjected to the Vinson-Trammell Act provisions.

I think the hearings bring out the fact that these different subcontractors, and some of the contractors, instead of contracting with the Government and coming to the aid of the Government in this critical period, undertake to utilize their plants in fulfilling contracts of private industry, rather than undertaking to carry on these contracts with the Federal Government. They find that there is more profit in dealing with a private enterprise than with the Federal Government when the Government operates under the Vinson-Trammell Act.

Mr. HILL. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. HILL. In other words, the contractors have an opportunity to deal with foreign governments, who are willing to pay higher prices, with consequently greater profits to the contractors, so they prefer to deal with these foreign powers rather than to sell their products to our Government at reasonable profits?

Mr. OVERTON. The Senator is absolutely correct; and the record of the hearing shows that the other source of competition is the orders being placed in the United States with these plants by foreign nations, particularly Great Britain. Great Britain is not controlled by the Vinson-Trammell Act, and they can offer the manufacturers much larger profits, and consequently these manufacturers take the British orders and fill them rather than take the American orders and fill them.

Mr. President, it may be that the Congress will determine to suspend the provisions of the Vinson-Trammell Act. I do not know. I may vote for the suspension. But I know that whether Congress takes that action or not it is well that there should be vested in the Secretary of the Navy and the Secretary of War, under the direction of the President, the power to condemn the manufacturing plants of those who fail to come to the aid of the Nation in this critical period—a period so critical that we are not hesitating to enact a measure which will take the young men from their occupations and their daily pursuits to train them for the bloody butchery of war.

Mr. President, I favor the pending measure. I think the time has come when we ought to prepare ourselves, not only insofar as matériel is concerned but insofar as manpower is concerned, to resist any possible attack, but shall not, idly and silently, submit to the drafting of young men—to take the son from his mother and to take the husband from his wife—to take these young men and train them for war, and if necessary, aline them in front of the enemy's guns, and then say that we cannot lay our hands upon the factories which supply the materials for war and make them bear a portion of the heavy burden.

Mr. President, the amendment goes no farther than to vest in the Secretary of War and in the Secretary of the Navy, under the direction of the President, the right to exercise that power which the Federal Government already possesses—the power of condemnation.

The PRESIDENT pro tempore. The time of the Senator from Louisiana has expired.

Mr. BONE. Mr. President, oddly enough, as I think we all know, the pending proposal is not one to conscript property or wealth. It is a proposal to pay a quid pro quo; it proposes that the Government shall go into court and condemn the property and pay good hard money for it.

So far as I am personally concerned—and I want the RECORD to show it—if we conscript boys, I am perfectly willing to do what my party and the Republican Party pledged themselves to do, and that is to conscript property exactly as we conscript men. As a part of this little record, when I am through I shall have those pledges of the Democratic and the Republican Parties printed in the CONGRESSIONAL RECORD at this point.

The Democratic Party made an honorable promise to the American people; the Republican Party made an honorable promise, in its platform, to the Republican people, not to do what the Senator is proposing, but to go far beyond it, and to draft property exactly as we draft men.

So far as I am concerned, I shall not be silent in this body. So long as we are going to conscript men we should conscript property exactly as we conscript men; exactly as my party pledged to the American people it would do.

I shall vote for the Senator's amendment.

At this point I ask to have inserted in the RECORD, as part of my remarks, the pledges contained in the platforms of the two parties, to which I referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PARTY PLATFORM DECLARATIONS ON WAR PROFITS

Democratic Party, 1924: "War is a relic of barbarism and is justifiable only as a measure of defense. In the event of war in which the manpower of the Nation is drafted, all of the resources should likewise be drafted. This will tend to discourage war by depriving

it of its profits. Those who must furnish the blood and bear the burdens imposed by war should, whenever possible, be consulted before this supreme sacrifice is required of them."

Democratic platform, 1932: "We believe that a party platform is a covenant with the people to be effectively kept by the party when entrusted with power, and that the people are entitled to know in plain words the terms of the contract to which they are asked to subscribe."

In 1924 the Republican Party made this solemn assertion:

"UNIVERSAL MOBILIZATION IN TIME OF WAR

"We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms, the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities whether utilized in actual warfare or private activities."

The Republican platform of 1928 had this to say:

"NATIONAL DEFENSE

"We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms, the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities, whether utilized in actual warfare or private activities."

In 1932 the Republican Party in its national convention weaseled a little on this important question and had this to say:

"We believe that in time of war every material resource of the Nation should bear its proportionate share of the burdens occasioned by the public need and that it is the duty of the Government to perfect plans in time of peace whereby this objective may be attained in war."

Mr. WALSH. Mr. President, I ask the attention of the Senator from Georgia [Mr. RUSSELL] for a moment. The amendment seeks to amend section 8 (b) of the act of June 28, 1940, which is the Naval Expansion Act. What is the difference between the Senator's amendment and provisions of the Naval Expansion Act except that the amendment includes the Army and the existing law applies only to the Navy?

Mr. RUSSELL. The only difference between the amendment and the existing law as respects the Navy is that the amendment permits the amount of compensation to be paid for any factory that is taken over to be determined by the courts rather than by the Secretary of the Navy.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. OVERTON. I wish the Senator in considering the matter would also consider the constitutionality of that law. In my humble judgment, it is unconstitutional. It provides for taking plants over without any process of law. Under it the President is authorized to step in and take over plants without condemnation and without hearing.

Mr. WALSH. Then the Senator claims that the language in the present law is not constitutional, but that the objective is the same as that of the language of the amendment?

Mr. OVERTON. Yes.

Mr. RUSSELL. I may say to the Senator from Massachusetts that the amendment attempts to make certain the constitutionality of the legislation. For my part I would have no quarrel with the language of the present law.

Mr. WALSH. I would say that the language was drawn by officers in the Judge Advocate's office of the Navy. It is as follows:

Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities to effectuate the purposes of this act in the procurement or construction of items authorized in connection with national defense he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government-owned land or elsewhere, and to operate them, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility—

And so forth. That language certainly could not be stronger unless the words "use of the power of condemnation" were substituted, instead of letting the Secretary of the Navy take over the plants.

I do not oppose the pending amendment, but certainly the main provision of the law should obtain with respect to the Army as to the Navy.

Mr. RUSSELL. Mr. President, the language merely provides the machinery the Secretary of the Navy could use. The present law says that the Secretary of the Navy has the power to take over the property. Just how would the Secretary of the Navy go about doing it? Would he call out the marines and have them take over the property, or would he have them throw out of the plant the manager of the organization which refused to cooperate?

Mr. WALSH. It ought to be done by condemnation, but it seems to me that power is implied in the power given by the law. I do not think it is necessary that we should permit any dispute to arise over that matter. Our objectives are the same.

Mr. RUSSELL. Yes.

Mr. WALSH. And the pending amendment has the advantage of including the Army as well as the Navy.

Mr. RUSSELL. Yes.

Mr. WALSH. Let me say another thing about this subject. I resent the criticism of the Congress in the matter of delay in obtaining airplanes. My investigation of the situation is this: The fact that a great flood of foreign orders has come to the existing plants that are manufacturing airplanes has resulted in an indifference upon the part of the domestic airplane manufacturer to receiving Government orders. According to the evidence presented to me by an airplane manufacturer—and I may say that, so far as I have been able to learn from the manufacturers of planes, there is a spirit to cooperate and to be helpful—the subcontractors and in the case of some plants the principal contractor has to deal with 500 subcontractors, have, in substance, said: "We are not interested in your orders. We are getting 18 percent profit in our subcontracts. We are not concerned about an 8-percent profit."

In my opinion, if the business had not been accelerated by foreign orders, every one of these airplane manufacturers would be pleased and delighted to receive the profit of 8 percent which is provided by existing law.

So, because we have offered the manufacturers the 8-percent profit, and they are getting 18-percent profit on foreign orders, we are in the position where, unless we exercise this power, we shall have to pay very much higher prices for our planes to meet the demand for increased profits.

One other word. It is only fair to say—and I challenge contradiction from any member of my committee who is here today; and I am not criticizing the policy but am stating the fact—that our own Government has given preference to foreign orders. That cannot be disputed.

That position is justified by our officials that the situation in Europe necessitates it, on the belief that by helping the belligerents in Europe we are helping to defend our own country. But basically, at the base of all this trouble, is the fact that we have encouraged foreign orders, and we have stepped aside; and the evidence before my committee shows—and I ask the Senator from Virginia [Mr. BYRD] if I am not correct in this—that delay in getting planes has been due to the fact that we have given preference to foreign countries' orders. I ask the Senator from Virginia, Am I correct in that statement?

Mr. BYRD. Mr. President, I could not agree that all the delays are due to giving preference to orders from foreign countries.

Mr. WALSH. Have the delays been due in part to that situation?

Mr. BYRD. I could not say that definitely. I know, of course, there have been some orders which have been taken by the airplane manufacturers from foreign governments. I did not hear the testimony to which the Senator refers read, from which he infers that all the delay was caused by foreign orders. Personally, I disagree with the Senator on that point. It is my understanding that Army and Navy officials

deny this reason for such delay. I do not think that all the delay or even a substantial part of it is due to the foreign contracts. I think there are many other factors involved, which should be debated at the proper time fully and completely on the floor of the Senate.

Mr. WALSH. I am glad to have the Senator's views. Evidently he thinks that there is either neglect or indifference or inertia on the part of the War Department and the Navy Department. Personally, I do not think so. I am not saying that the policy is wrong. However, from the facts which have come to me, there appears to be a disposition, a willingness, even a desire on the part of Government officials to give way to foreign orders, on the belief—which they sincerely hold—that such a policy is helpful to our national defense. I am not saying that for the purpose of criticism, but I am saying it as a reason why Congress should not be blamed for the situation.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. CONNALLY. I am not prepared to argue about the preference to foreign orders. There is probably good reason for it.

Mr. WALSH. I agree with the Senator that those who promulgated that policy had good reasons for it, in their own opinion. I am not saying that in criticism, but I am saying it in defense of Congress, and saying that we should not be blamed when we have authorized and appropriated the money for a tremendous increase in our airplanes for our defenses.

The following provisions of the law of June 28, 1940, is in relation to the subject under discussion:

SEC. 2. (a) That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable, and deliveries of material under all orders placed pursuant to the authority of this section and all other naval contracts or orders and all Army contracts and orders shall, in the discretion of the President, take priority over all deliveries for private account or for export.

Mr. CONNALLY. Every factory has its capacity; and when it is filled up with one set of orders it cannot take on somebody else's order. But is it not true that that situation can be met by the amendment of the Senator from Georgia? Under the terms of his amendment, if we should need some planes we could take over a factory, regardless of its contracts with foreign countries.

Mr. WALSH. There is no doubt of it. I am in favor of action being taken under the existing law. I think that what the Senator from Georgia said is true, in part, at least, if not wholly true. There is existing law so far as the Navy is concerned. So far as I know, there is no similar law applying to the Army. So far as the Navy is concerned the Government is authorized to take over plants. It has all the necessary authority. I even went so far in my committee as to propose an amendment giving the Government such power during the emergency proclaimed by the President, not only in the case of building ships and airplanes, but in the case of buying any supplies needed for national defense.

I favor such an amendment. The members of my committee said, "That is rather an indictment of business at this time. Business seems disposed to cooperate. Let us wait and see if it is necessary later." I think their judgment was probably better than mine.

Mr. CONNALLY. I thoroughly agree with the Senator from Massachusetts. I am strongly in favor of the amendment of the Senator from Georgia; but in the case of subcontractors, if they do not produce supplies, I am in favor of letting the Government take over their plants and run them, paying them, of course, under the condemnation procedure.

Mr. WALSH. The Senator and I are in accord.

Mr. CONNALLY. Otherwise the Government would be absolutely impotent.

Mr. WALSH. Personally I think that the attitude of submanufacturers in saying, "We want 18 percent or more because we are getting it on other orders" is reprehensible.

Mr. CONNALLY. It is reprehensible.

Mr. WALSH. I think the country ought to know that the situation arises partly because manufacturers are flooded with other orders, and they make more profit on other orders. They are trying to fill those orders, and postpone action or refuse orders from our own Government.

Mr. CONNALLY. I will say further to the Senator that so far as I am concerned I am in favor of the Government establishing airplane factories of its own if necessary, thereby holding a club over the other factories. If they do not produce, we should be able to take them over. We should then know what the costs are.

Mr. WALSH. In 1934 a limit of 10 percent profit was put into the law in the case of building vessels and airplanes, to offset the movement to have the Government build all its own vessels and airplanes.

Mr. CONNALLY. It ought to do so.

Mr. WALSH. I am fast coming to serious consideration of the viewpoint of the Senator.

Mr. CONNALLY. I favor the idea of the United States building its own battleships, if need be, and not being in the control of private contractors. If the Government does not already possess such power, I favor giving the Government ample power to commandeer any commodity it needs, paying the owner, of course, according to the laws of condemnation. If we can draft manpower and blood and bodies, we certainly can draft anything else the Government needs.

Mr. WAGNER. Mr. President, I am in accord with the general sentiment expressed, and I propose to vote for the amendment, for the very persuasive reasons given by the sponsors of the amendment. However, I think the sponsors of the amendment have overlooked something which may be quite important. I have conferred with both of them, and I think they are agreeable to adding a proviso to the amendment, as follows:

Provided, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

The reason I am suggesting this amendment is that it may become necessary for the Government to take over a plant. I am in sympathy with what the Senator from Texas said a moment ago. The Government cannot lie prostrate at the feet of industry if industry refuses to cooperate in providing national defense. If the Government itself should take over a plant and operate it, the employees, under any reasonable construction, would be deemed to be Government employees. They would be working in Government plants, and would be as much Government employees as those working in navy yards. The moment that happens, the employees lose all their rights to social security, old-age pensions, unemployment benefits, workmen's compensation, rights under the Walsh-Healey Act, the National Labor Relations Act, and other laws which are now in existence. I am sure we should not want to deprive the workers of such rights.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. ASHURST. Doubtless during the next 8 or 10 days I shall be pardoned for resorting to such immodest procedure as to refer to objects I have achieved during my senatorial career. Senators will understand why I do so immodest a thing at this time.

The Senate is the forum in which the greatest service to the American people may be rendered. We should regard the senatorial office as the greatest office in America.

Some 28 years ago it was obvious that the various steel companies had for some time been charging the United States Government extortionate prices for armor plate. In some instances the steel companies were selling armor plate to foreign powers at a lower price than the price at which

they were selling it to their own Government. It was also proved at least in one instance that one company had palmed off on the United States some defective armor plate.

I introduced a bill, which became a law, providing for the erection and maintenance of a Government factory for the manufacture of armor plate. I have, of course, carefully watched the operation or the effect of that law. It has had a wholesome and salutary effect upon such steel companies as were then and are now manufacturing armor plate. It proved to be a wholesome and corrective law, in that if the prices for armor plate the factories proposed to charge the United States were unsatisfactory or extortionate, the Government could make its own armor plate.

Mr. President, I shall not now consume the time of the Senate in telling things I have done. For the next few days I may try to play down some of the things I have done. [Laughter.] At least, Mr. President, the effect of that law was wholesome and corrective—not that I wish the Government to make all the armor plate it uses, but such a factory of the Government resulted in the Government obtaining armor plate at reasonably fair prices, and the private factories do not now attempt to palm off defective armor plate on the United States, as they did some 40 years ago.

Mr. WAGNER. Mr. President, may the amendment to the amendment be stated?

Mr. HILL. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. HILL. Anent what the Senator from Arizona said about his bill for the construction of a Government armor-plate factory, I will say that the very introduction of the bill brought down the cost of armor plate to the Government of the United States $30 a ton.

Mr. ASHURST. I am very grateful to the Senator for his contribution.

Mr. WAGNER. Mr. President, my time has almost expired. I ask that my amendment to the amendment offered by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON] be stated, and that the pending amendment be modified by the adoption of my proposal.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to add the following proviso to the amendment offered by the Senator from Georgia and the Senator from Louisiana:

Provided, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WALSH. I should like to take a moment of the Senator's time to read the law of 1916, a year before we entered the World War. It will take only a minute of the Senator's time, if he will yield.

Mr. WAGNER. I yield.

Mr. WALSH. The law of 1916 reads as follows:

SEC. 120. Purchase or procurement of military supplies in time of actual or imminent war (June 3, 1916 (39 Stat. 213), sec. 120):

The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than 3 years and by a fine not exceeding $50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

The President is hereby authorized, in his discretion, to appoint a Board on Mobilization of Industries Essential for Military Preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described.

(Court decisions: Under this section, the President, as Commander in Chief of the Army and Navy, has the constitutional power in wartime, in cases of immediate and pressing exigency, to appropriate private property to public uses, the Government being bound to make just compensation therefor. (*United States* v. *McFarland* (C. C. A., 1926), 15 F. (2d) 823.)

(This section imposes a duty on a manufacturer to comply with an order of the United States for war supplies, although such order may prevent him carrying out earlier contracts with private persons. (*Moore & Tierney, Inc.*, v. *Roxford Knitting Co.* (D. C., 1918), 250 Fed. 278; certiorari denied (1919), 253 U. S. 498.)

This law was enacted on June 3, 1916, a year before the United States entered the World War.

I thank the Senator.

Mr. WILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. WAGNER. Mr. President, I inquire if the Senator desires to address himself to the amendment?

SEVERAL SENATORS. Vote!

Mr. WAGNER. May we have a vote on the pending proposal?

The PRESIDENT pro tempore. The Senator from Wisconsin has 4 minutes under the rule, and if he desires to discuss the amendment he has a right to do so.

Mr. WAGNER. I understood he did not care to discuss the amendment I had offered.

Mr. WILEY. I do not care to discuss the amendment.

Mr. BURKE. Mr. President, I desire to say a word. There is no opposition, so far as I know, upon the part of the sponsors of the pending legislation to the proposal offered by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON]. It seems to me that they are on unassailable ground when they say that if it is proper to apply the national will and force to bring into training the manpower of the country, of course that must also carry with it the power to see that the machines and implements of war are prepared, not putting it off 60 days or 90 days,

but to see whether business will come forward voluntarily to perform its part right now.

So, as one interested in the passage of the pending bill I hope the amendment offered will be adopted. I do not know whether or not it is the right way to accomplish the result; on that I must accept the judgment of the Senator from Georgia and the Senator from Louisiana and the others who have spoken; but with the objective I am in hearty accord.

Mr. ADAMS obtained the floor.

Mr. GEORGE. Mr. President, will the Senator from Colorado yield? I will be glad to assure him I will not take more than 2 or 3 minutes.

Mr. ADAMS. I am glad to yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, as I understand this amendment, it authorizes the Secretary of War and the Secretary of the Navy to take over any plant or manufacturing establishment and to operate it either by continuing the present employees of the plant or by people who are brought into the Federal service. If I do not understand the amendment correctly, I should like to be corrected.

If that be true, Mr. President, then, nothwithstanding the amendment to the amendment offered by the Senator from New York, we might as well know the full consequences of the proposal. If a plant is to be commandeered by the Federal Government and is to be taken over, and the power is likewise given the Government to put men in the plant to operate it, of course it will be operated regardless of whether or not those men are agreeable to the prices paid for labor. The Government cannot conscript manpower and wealth and industrial machinery and plants and men to operate them without regulating the whole thing.

Mr. President, I am not rising to oppose this amendment, but I am rising for a dual purpose. First, to say that I have always had the feeling that, whether there was any cloud in the sky, this Nation ought to build up through military training adequate reserve forces; but when it is done under the threat and hysteria of fear we have an altogether different picture. I am willing to provide for military training in this country, to assure an adequate reserve force from which the country can draw in time of need, but when conscription of manpower is resorted to, conscription of industrial plants and established businesses, the inevitable next step is the conscription of labor. When that is done, all in peacetime, I want to ask my party just one question: Is it hoped to convince the American voter that it is not intended to go to war? Do you have the faintest idea that the manpower, the industrial plants, the labor to operate those plants, and the wealth of the country can be conscripted and taken over and then say, "We are standing for peace"? Do not "kid" yourselves, gentlemen; do not try to deceive the American people. They will know that you are not preparing for peace, for national defense, but that you are preparing for war. The American people do not want war. Do not let the mouthpieces of this country persuade you that they want war.

I am not talking about this amendment except to indicate the fatal steps we are taking in peacetime, all in the name of defense, in defense of peace, all in the name of national defense to preserve peace. Do you believe you are going to make the American people think that you want peace when you do everything that was ever done by this Government in any war, although we are not in war? The implication cannot be escaped.

There is one other thing I want to say and I expect to say it many times. It is said that the reason why war contracts are not made, why manufacturers do not build airplanes and armored motor cars, why somebody does not provide this or that for the motorized units which it is desired to put into the field is that there are no amortization laws, that business groups cannot amortize their losses. There is not a word of truth in it. Under existing revenue laws the Treasury of the United States can amortize any plant it wishes to amortize. There is the possible exception of the limitation in the Vinson-Trammell Act, and perhaps one other possible exception, but that is so entirely remote that it has no practical application whatever to the building of airplanes, the building of motors, the building of anything needed by the Government. This has not anything to do with my colleague's amendment except that it is not worth while for the Treasury of the United States, or anyone else, including the public press of the country, to try to "pass the buck" to the Congress of the United States, because it does not close its eyes and swallow without consideration everything that is proposed. It is not true; not at all. The Treasury of the United States today can enter into an agreement amortizing over any period of years any plant or any facility that wishes to accept a contract to provide matériel for the national defense.

Gentlemen, I say it not because I want to persuade you but because I want to redeclare my own position, I say it because I believe it is in the heart of this Nation, that this country does not want to go into war, and there is no occasion to go into war. If we want to prepare the national defense for peace, a positive attitude of this administration would put that question at rest forever; but the dilatory attitude of the administration, the constant disposition by every proposal and suggestion to emphasize and accentuate the fears of the public mind that we are going into war, that we might as well bow to the inevitable, that we might as well get ready for it, is the thing to which I object, and it is the thing to which the American people object. Make no mistake about that. Let November come and watch the verdict of the American people.

The President can stand for national defense, the strongest possible national defense—sea, air, and land—and I will stand with him; indeed, I have stood with him in every single recommendation he has made, but I am for defense for peace, for the defense of this Nation, and positively against war. Conscript manpower, conscript plants, conscript the farmer, if you please, conscript every industry, conscript the labor to run industry, conscript the wealth of the country in peacetime, and then watch how seriously the American people will take your profession that you are standing for peace; watch the verdict, gentlemen, in November.

Let us prepare; we want to prepare; but it is astonishing to have the statement come down from the White House and the Treasury that there is a bottleneck here in the Congress, and Congress will not pass this law and will not pass that law, when the law now on the books authorizes the amortization of every facility and of every plant that is necessary for national defense in this country. It is only a matter of sitting down and doing it. The administration officials do not want to take the responsibility. They want to put it on the Congress and say, "The Congress did this, and, therefore, we are bound by it."

More than a year ago—I think it was a year and a half or 2 years ago—I said that I would stand at this desk until the end against war; and I repeat that statement, Mr. President. I protest against the country and the Congress being constantly shoved into a position where to fail to support the Executive arm of the Government is to bring about a rupture between the legislative and the executive branches of the Government. I do not know whether the President wants all the power we are giving him here or not, but I know that we cannot give it to him and convince the American people that we are not ready and resigned and reconciled to the final, inevitable, short step of actually entering the war.

Every loyalty of my heart and of my being is with the English; but I have tried to maintain, personally and officially, an attitude that would comport with what I believe to be the best interests of my country; but constantly we have seen the public mind more and more beclouded by all sorts of appeals. We have seen the feeling rise and ebb here as propaganda asserted itself and then died away, and asserted itself again; and we are now asked to do everything but actually to declare war. Why? Germany stands across the narrow English Channel. She has not conquered Great

Britain. All the probabilities are that she never will conquer England. Go into the war if you will, and you go into another 30 years' war. Submit the issue if you wish to; go up to the very brink of war, and submit the issue to the American people. They will not misunderstand it. They will understand that what you are asking them to do in November is to take a referendum on peace or war, and they are going to decide for peace.

This Nation can prepare for peace, it can perfect its national defense, it can strengthen it, for the legitimate purposes of the peace and security of this country and of the Western Hemisphere; but those in power can, also, in the name of these things—peace and security of the Western Hemisphere—involve America in a long series of European wars, longer than the Thirty Years' War in which our English ancestors were at one time engaged, a conflict stretching far ahead and into the next generation of American boys and girls who will succeed us.

Train our men—yes; I am not objecting to that. As I have said, without a single cloud upon the sky east or west over any ocean, I think it the duty of this Nation to be prepared, and adequately prepared. But when I see what is going on, when I hear statements made that Congress is holding up the defense program, I think I should make my own position clear and explicit.

Mr. President, the execution of the laws of this Nation rests in the hands of the President of these United States. The expenditure of every dollar of money appropriated for national defense is in the hands of the executive department of the Government. Not in the hands nor in the power of the legislative branch of the Government is the execution of all the laws, those for national defense as well as those for all other proper purposes.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired.

Mr. WILEY. Mr. President, the country owes a great debt of gratitude to the distinguished Senator from Georgia [Mr. GEORGE] for his courageous and lucid statement of the situation. For some time now, for some weeks, as he has shown you, there has been building up in this country an attack on business, and he has shown you that there is absolutely no ground for that attack. Today we are told that this is a bill for the conscription of wealth. It is no more conscription of wealth than it would be if I had a diamond here, and you offered me the full value for it.

Looking at this amendment, we had better see what there is in it.

What is there in the amendment? There may be a pretty good "nigger in the woodpile" here. What is it? It provides that the money of the people of this country shall take over plants and pay full value therefor. Is there anything conscripting about that? It further provides that the Secretary of War and the Secretary of the Navy shall determine when the people's money shall be used to go into business that the Government has not been in before. This amendment, together with the bill, is an omen of what is coming—total conscription, men, property, labor.

We had better watch our step. The future of America is in our keeping. Let us move slowly, when it means following in the steps of Europe. We do not want to lose our freedoms. We do not want to go to war, and yet every step we take is in preparation therefor.

As the Senator from Georgia said, we are all in favor of preparedness; we are all in favor of defending this country; but we are not in favor of taking steps that may be steps down the road to obliterating all the values that are American.

There are two ways in which this country may go to pot. One is to get mixed up in the European war. The other way is to sell our heritage for a mess of pottage; and how do we sell that heritage? First by going the way Europe went, giving away our great freedoms, our great values. One way to do that is to become so war-minded that we forget our obligations as citizens and Senators. America cannot remain free by surrendering her freedom. That is one reason why I am against conscription of men in peacetime, and that is the reason why I am against conscription of wealth and the Government getting into all the business that the Secretary of War under hysteria or the Secretary of the Navy under hysteria may think the Government should get into. When I say "under hysteria" I speak advisedly.

The Senator from Georgia gave you a clean-cut picture. He showed you that the executive branch of the Government could remedy the present situation tomorrow; and what is the that situation? It is just this, and I have had it put up to me from my own State of Wisconsin: I say that Wisconsin is half industrial and half agricultural. Men have come down here, and the Government has said to some of the manufacturers, "We want you to do this," when they are no more equipped to do this thing than I would be to manufacture some great piece of equipment. Then the Government wants a manufacturing plant which has not the necessary capital to go out and build additions and make great expenditures, but it will not provide an amortizing scheme; and yet all the time the Treasury of the United States, under the Executive, has had that power, as shown here by the Senator from Georgia. But no. For some reason the Government wants its clutch on business. The Government wants its clutch on industry. It wants its clutch on the youth of the land. Then what?

The PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. DANAHER. Mr. President, a parliamentary inquiry. I understand the pending question is the amendment of the Senator from New York [Mr. WAGNER], seeking to modify the amendment offered by the Senator from Louisiana [Mr. OVERTON].

The PRESIDENT pro tempore. The Senator is correct.

Mr. ADAMS. Mr. President, I wish to inquire whether the amendment which the Senator from New York offered has been accepted by the Senator from Georgia.

The PRESIDENT pro tempore. The Chair is not advised as to that.

Mr. RUSSELL. Mr. President, I do not know that I am authorized to accept the amendment.

Mr. ADAMS. It is the Senator's amendment.

Mr. RUSSELL. No; it is mine and that of the Senator from Louisiana, jointly. The Senator from New York made it very clear, when he presented his amendment, that he had discussed it with me, and I had no objection to it. The reason why I have no objection to it is that I do not think it amounts to a great deal, because it merely provides that no State or Federal law concerning health, and so forth, shall be suspended by the provisions of this measure.

Mr. ADAMS. I made the inquiry because I desired to offer another amendment.

Mr. RUSSELL. Speaking for myself, I have no objection to the Senator's amendment.

Mr. TAFT. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. What is the limitation on debate?

The PRESIDENT pro tempore. The limitation is 15 minutes in the aggregate on the amendment until all amendments shall be disposed of.

Mr. TAFT. I did not quite understand why the time of the Senator from Wisconsin had expired.

The PRESIDENT pro tempore. The Senator from Wisconsin had spoken 15 minutes in the aggregate on two amendments.

Mr. ADAMS. Mr. President, I wish to say, in reference to the pending amendment of the Senators from Georgia and Louisiana, that I think it is a very appropriate amendment to be attached to the bill. The amendment was submitted to the Committee on Appropriations, and the committee did not approve it. The situation in the committee was different from the situation in the Senate. It is now proposed that in peacetime—in peacetime, I repeat—we make the youth of the land subject to the absolute disposition of the Chief Executive, perhaps to the number of four or five million. We are going to distract every young man; we are going to disturb his life. No man can be secure in his position who is continually subject to the draft. Certainly if we are to take

the young men, we do not want to draw the line by not taking over the manufacturing plants. This amendment is a logical successor and corollary to the other provision. If we are going along the road of conscription in peacetime, the last thing we should conscript should be men. The first thing should be the money and the plants.

As I understand, the bill is to pass. I understand the proponents of the measure are not even willing to wait until January; they are not even willing to wait until the 6th of November; they want the bill passed and conscription begun. It is bound to disturb the economic welfare of this country whenever a young man is in doubt as to what is to be his future, in the next month or the next year.

I think there is no escape from the conclusion that every man who has a manufacturing plant should stand in the same position with the men who are drafted. This is not a matter of wartime or emergency any more than the draft of men applies to such a period. The amendment provides that at any time the Secretary of the Navy or the Secretary of War decides that in the interest of national defense—not to protect against war—he desires to take over a manufacturing plant, he may take it over.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. RUSSELL. It does not provide that as literally as the Senator from Colorado states it.

Mr. ADAMS. I am supporting the amendment.

Mr. RUSSELL. I appreciate that, but I want the Senator to quote the amendment correctly. It provides that when the Secretary of War is unable to arrive at an agreement with the owner of the plant, if it is necessary to operate it in the national defense, he may take it over. He cannot say arbitrarily that he wants to take a plant over. It must be after negotiation.

Mr. ADAMS. It means that the Secretary of the Navy or the Secretary of War may say to the owner of a plant, "I want your plant on these terms." I cannot imagine anything more absolute than that. The owner may say, "Oh, no; that is only half of what my plant is worth; I am making a lot of things for private industry in addition to defense matters, and you should not take over a whole steel plant, which is making rails and rods and nails and screws, because in one department a few shells are being made"; but, if the owner cannot agree with the Secretary of the Navy and the Secretary of War, either of them may take over the plant, and the question of compensation arises afterward.

Mr. LEE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. LEE. Is that any different from saying to a boy who is earning $5 a day, "Give up your $5 a day and take a job now in the most hazardous calling in the world at $1 a day"?

Mr. ADAMS. I am accepting the Senator's premise. I do not think we should take the boy in time of peace.

Mr. OVERTON. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. OVERTON. Is there any difference between the proposal in the amendment and the right of condemnation vested in the Government when it undertakes to construct a reservoir in the West and goes to a farmer and says, "You have to give up your home and your land because we want it"?

Mr. ADAMS. I am supporting the Senator's amendment.

Mr. OVERTON. I thank the Senator.

Mr. ADAMS. Premised upon the Senator's argument, he believes in the bill, on which his amendment is most appropriate. We are condemning Hitler for his totalitarian ways, but it is proposed that we put part of them into force here; and I think this goes with it. I do not think we could justify the defeat of the amendment and pass the bill.

Mr. OVERTON. If the Senator will yield to me further, I would say that I would be in favor of the right of condemnation, whether or not there was a conscription bill before the Senate. I think this authority should be vested in someone, just as the right of condemnation is.

Mr. ADAMS. Does the Senator think that in time of peace, merely because the War Department decides that a certain thing should be done to build up the national defense, there being no emergency, no pressure, the Secretary of War should have the privilege and the liberty and the right to take over any plant? I am supporting the Senator's amendment. He need not argue with me about it.

Mr. OVERTON. I think that whenever the Federal Government needs any property or plant or facility for any purpose whatsoever in the public interest, the interest of the Federal Government is paramount.

Mr. ADAMS. Whenever the Congress says the Government can take a boy in time of peace, I will go the whole way; it can take the money and take the plants. So there is no good arguing that. I am for it.

Mr. KING. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. KING. I am prompted to interrupt the Senator by reason of the last observation made by the Senator from Louisiana. Does the Senator from Louisiana contend—I am sure that the Senator from Colorado would not assent to the contention—that any employee of the Government, any Federal agency, when he or it considers it necessary to seize the property of an individual, may do so, and if he refuses to yield it, go into court and take it away from him? I am opposed to that view.

Mr. OVERTON. Mr. President——

Mr. ADAMS. Just a moment. I have promised my support to the amendment on the bill, which, I understand, is going to be passed, so that in peacetimes, without limit—and mind you, the Senate has voted down an amendment limiting the draft to time of emergency—the Government can take the son of the Senator from Utah or the Senator from South Carolina, and put him in the Army, regardless of his wishes. Therefore, there is no reason why the plant in which the boy works should not be taken over. If we are to take over men, let us take whatever else we want. If we are are going down that road, let us be consistent, let us go the whole way. Let us not condemn Hitler on one side for what he is doing, and follow him only part way.

Mr. OVERTON. If the Senator from Colorado will yield, I wish to call the attention of the Senator from Utah to the statement I am about to make. The Senator is under an erroneous impression as to what I said. I did not contend that any employee of the Federal Government could step in and take the property or plant of anyone. I merely contended that the right of eminent domain is vested in the Federal Government, and that it should be exercised whenever public interest required that it should be exercised, regardless of the purpose for which it was exercised.

Mr. ADAMS. Mr. President, how much time have I left?

The PRESIDENT pro tempore. The Senator has 6 minutes remaining.

Mr. ADAMS. I wish to propose an amendment to the amendment, if the amendment of the Senator from New York is out of the way, so that it will be proper for me to do so. Has that amendment been accepted by the two Senators who are offering the pending amendment?

Mr. OVERTON. I am willing to modify the amendment.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. WAGNER. As I understand, the amendment now pending is an amendment to an amendment. The sponsors have said they have no objection to my amendment.

Mr. ADAMS. Have they accepted it? That is my inquiry. They have a right to accept it. My inquiry is whether I am in a parliamentary position to offer another amendment.

Mr. WAGNER. The Chair will have to decide that.

Mr. ADAMS. I am asking the Senator from Georgia and the Senator from Louisiana whether they have accepted the amendment of the Senator from New York.

Mr. RUSSELL. Mr. President, I have said on one occasion, and I state again, that I have no objection to the amendment, but so far as it becoming a part of my own amendment

is concerned, I propose to let the Senate vote on it. I shall vote for the amendment of the Senator from New York, but I do not propose to make it a part of the amendment I offered in conjunction with the Senator from Louisiana.

Mr. ADAMS. Mr. President, I have an amendment to offer, which is not presently available, and I will save what time I have remaining.

Mr. BYRNES. Mr. President, I desired to discuss at a later time the question of the status of the contracts for the construction of airplanes. I did not desire to do so at this time because I did not wish to delay action upon the bill. Because of what has been said, however, I want to make a short statement in reference to the matter.

I think there is no justification for the heat that is displayed on both sides of the question before us in the executive departments of the Government and in the Congress.

The facts speak for themselves. Boiled down the facts are these. If Senators will look at the calendar on their desks they will see when the bill appropriating funds for the War Department was passed and approved for the year beginning July 1, 1940. The bill providing for appropriations for the War Department was approved on June 13. The bill providing for the Navy Department was approved on June 11. Then a supplemental defense appropriation bill was approved June 26.

In all the talk about investigating the status of the construction of airplanes we overlook the fact that the matter has been investigated by the House Appropriations Committee; it has been investigated by the Senate Appropriations Committee; it has been investigated by the House Ways and Means Committee at meetings attended by representatives of the Senate Finance Committee. So there can be no question about getting the facts. We find in the Appropriations Committee that our difficulty is to prevent representatives of the Army and Navy from discussing the subject when other matters are pending.

After the passage of the bills to which I have referred, which were approved, respectively, June 11, June 13, and June 26, because contracts were authorized immediately upon the approval of the bills, Army and Navy officials, with the gentlemen who are serving on the Council of National Defense, endeavored to make contracts under the existing law. The existing law was the Vinson-Trammell Act. Under that act an aviation contractor could make with the War Department or the Navy Department what is called a negotiated contract. Under such negotiated contract, if the contractor lost 25 percent it was just too bad for him. If he made a profit, and the profit was over 12 percent, the Government would take all over 12 percent. It was not such a contract as we knew during the World War with a guaranteed 10 percent. It was a contract where the profit was limited, but there was no limit to the amount the contractor could lose.

So far as existing corporations manufacturing airplanes are concerned, orders were soon placed to their full capacity. The Departments then were interested in inducing businessmen in the country to go into a business with which they had no experience, and had no experts to guide them in the development of an organization. When Government officials went to businessmen asking them to take a chance in a new business, they investigated profits. According to the Army and Navy officials the net profits of all the companies for several years had averaged 4 percent.

I can see both sides of the question. The businessman said, "I am manufacturing printing presses, or typewriters, or I am engaged with the Baldwin Locomotive Works, or the Otis Elevator Co. Why should I take this risk? What profit can I make? If I get one contract and make 12 percent, and if I get another contract and lose 20 percent, that is my loss, and I am out 8 percent on the deal. If I do not manufacture airplanes, the sky is the limit. I can go over to the War Department and get an order to manufacture guns and make 50 percent profit, if I can. I can get other contracts from the War Department."

The one thing we demanded in the Congress and in the country was airplanes, and on the manufacture of airplanes we put a limitation of profits which did not apply to the manufacture of other things for the Government. Notwithstanding that, men were going into the airplane-manufacturing business. Contracts were awarded. The memorandums were drawn. Then on June 28 an act was passed by the Congress, and approved, which reduced the maximum profit from 12 percent to 8 percent. When that occurred subcontractors, who had been approached and had entered into agreements with the main contractor, or principal contractor, simply advised the principal contractor that they would not proceed with the business. They were engaged in other work. They were not engaged in the manufacture of airplanes.

When we passed the bill telling the Army and the Navy to order airplanes, the officers could not telephone downtown and have a messenger boy bring back an airplane. They had to get men to go into the airplane manufacturing business, and it was the job of the officers of the Department to induce persons who had not theretofore been in the airplane business to go into it.

When we reduced the maximum profit that manufacturers of airplanes could make, from 12 percent to 8 percent, the manufacturers notified the Army and Navy that the subcontractors had advised them they would not fill the orders. Fifty percent, and in some cases more than 50 percent, of an order was given to subcontractors by those who undertook to contract to build airplanes.

When we passed the act of June 28, the Army and Navy and the Council of National Defense were practically stopped from proceeding with contracts, because they could not get men to sign the contracts.

Then a bill was reported to the House and passed by the House. It has been on the desk of the Senate for nearly 2 weeks. It was received in the Senate on a Saturday, certainly more than 10 days ago. That bill, which has passed the House, contains a provision which repeals the provision to which I have referred—the provision which reduced the maximum from 12 to 8 percent. The bill is on the desk. If we could take it up and pass it now, we have the word of Mr. Knudsen and every other man connected with the Council of National Defense, and we have the word of the Secretary of War and the Secretary of the Navy, that businessmen tomorrow will sign the contracts that we prepared before we changed the maximum of profit. The bill is here. It is said that the fact that the bill had not been passed is not our fault; that we cannot be blamed for having failed to pass it; that we have had before us another important bill, and therefore could not get to that particular legislation. But certainly we must agree about the fact. The fact is that that bill is here, and if we could pass it tonight, in many cases, tomorrow the contracts for airplanes referred to by the Army and Navy would be signed.

Mr. President, there is a question about this matter. There will be discussion as to whether or not the proposed action should be taken. The businessmen of the country take the position, those who have been invited or requested to put their money in this business, that there should not be a limitation of profits upon one manufacturer, a manufacturer of airplanes, and not upon manufacturers of other articles ordered by the Government; that if there is to be a limitation of profit it should apply to everything manufactured for the Government. If we are to take all that a man makes, over a certain percentage, the manufacturers prefer that we take it by way of a tax bill, and have the tax apply then to those who manufacture guns, antiaircraft guns, who manufacture tanks, trucks, or anything else.

So far as I am concerned they convinced me they were right, because the one thing that we need first of all is airplanes, and I do not believe that we should place a maximum profit upon the construction of airplanes if that will delay in any degree the construction of the principal thing we want. If we impose such a limitation of profit, we should fix a similar limitation on everything else.

If the Army or Navy officials go to a contractor and say, "We want you to take this contract, but you cannot get more than 8 percent profit on the airplanes you manufacture," he

may say, "I can go over to the War Department and get a contract to manufacture tanks, on which there is no such limitation on profits. I do not want to go into this business, but for my country's sake and if you want me to do so, I will manufacture airplanes, and make as much profit as I can, in justice to my stockholders."

The problem can be approached in one way by the tax bill, but that can be done only when the House passes the tax bill. If we could pass the appropriation bill tonight and change the maximum from 8 to 10 to 12 percent, tomorrow, so far as airplane contracts are concerned, the manufacturers would be going ahead.

As to the amendment of the Senator from Georgia [Mr. RUSSELL] I wish to say that when it was first offered, because I thought it was the same as the language contained in a bill which passed the House, and which provided that the Secretary of the Navy should have power to fix the amount of money to be paid to a contractor, I was opposed to the amendment. Since it has been changed, as the Senator from Georgia changed it, I am for it. I am for it for the reason that I favor the removal of restriction upon the profits, or raising the profits to 12 percent, either one—raising them to 12 percent in the appropriation bill, or else providing in a tax bill for a tax on everything made for the Government. At the same time I want to give the Government the power provided in the Senator's amendment. I shall vote for the conscription bill, and so long as I shall vote to conscript a man and put him in the Army, and take not only his liberty for the 12 months, but his property, I do not see how I can justify refusing to take a man's business from him if he refuses to use it for the defense of his government. We do not take him; we take only his business. When we draft a boy we take him and his business. So long as I have that viewpoint I shall vote for the amendment of the Senator from Georgia.

Although this discussion may have delayed consideration of the bill—and I apologize for it—this is the first time I have spoken on the bill since it was brought into the Senate. It may enable us to obtain quicker action upon the appropriation bill after we shall have passed the pending bill.

Mr. AUSTIN. Mr. President, I think the amendment offered by the Senator from Georgia—with a slight change in it which I believe carries out the intent of the amendment—is a great improvement over the existing act. The proposal would strike out the first two provisos in section 8 (b) of Public, No. 671, which is the act to expedite national defense, and for other purposes, passed in 1939. Subsection (b) gave rather extraordinary power to the President. It probably was intended to conform to the custom in the United States of following due process of law in taking over private property for public use. The existing law did not so state. It stated that the Secretary of War was authorized to take over the property and immediately use it, either by Government operation or by operation through private contractors. I have the idea that the authors of it certainly intended that property should not be taken over without due process of law, in the ordinary method of the exercise of eminent domain.

The pending amendment clarifies that point, and makes it perfectly plain that in taking over property the Government will pursue the remedy set forth in the statute mentioned on page 2 of the amendment, namely, Forty-sixth Statutes, 1421. That is the customary method for the Government to take private property for public use. That is one reason why I think the amendment is a great improvement over existing law.

Another reason why I think it is an improvement is that it places upon the Secretary of War and the Secretary of the Navy the responsibility and the specific duty of determining the time or the occasion when it is necessary to exercise the power of eminent domain, whereas the original act placed it in the ultimate sense in the President of the United States. Therefore I favor the amendment over the existing law for that reason.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TAFT. Is the Senator aware of the fact that the proviso which is being amended was not in the bill which the Senate passed, and was not in the bill which the House passed, but was put in in conference without any authority to the conference committee? Is the Senator aware of the fact that it is not a question of comparing the amendment with the original law, but of comparing it with something which has been repealed by the House, and which should be repealed by the Senate?

Mr. AUSTIN. I am not aware of what the Senator calls attention to. I am aware of a copy of the act which I have in my hand.

Mr. TAFT. That matter has already been discussed. Because of the fact that the provision was put in by the conference committee without authority, it has already been repealed by the House, and is to be repealed by the Senate unless a substitute is passed. So the question we are considering today is not a comparison with an original provision. It is a question of new law in place of nothing.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. AUSTIN. I hope Senators will permit me to finish what I have to say, because of the limitation of time.

There are other characteristics of the amendment which improve existing law, but I shall not take time to discuss them. The element which is missing from the amendment, and which I should like to see added to it, is the phrase "pending determination of the issue." I believe that should be added at the end of the amendment as printed, so that it would then read:

SEC. —. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows: *"Provided,* That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms pending determination of the issue.

Unless we put in the qualifying phrase we have this possible bad interpretation of the amendment—namely, that the procedure to acquire the property under the eminent-domain statute need only be commenced; it need never be finished. Under the amendment as proposed all the Government needs do is to commence proceedings and immediately it may grasp the property and, if it is my property, turn it over to the Senator from New Jersey [Mr. BARBOUR] for operation under a contract with the Government perpetually.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. RUSSELL. I have discussed this matter with the Senator from Louisiana [Mr. OVERTON], and we are perfectly willing to accept the suggestion of the Senator from Vermont.

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Georgia wish to modify his amendment?

Mr. RUSSELL. Yes.

The PRESIDING OFFICER. The Senator has that privilege; and it is so ordered.

Mr. TAFT. Mr. President, I oppose the pending amendment. While I usually agree with my colleague from Colorado, I do not follow him completely. While I sympathize with his logic, I do not follow the logic.

This is a most extraordinary provision for the confiscation, or at least the appropriation, of property. It modifies every concept of American law we have ever had, as does the draft law. If it were absolutely necessary in time of war, I should be in favor of it; but I do not believe the emergency is one which justifies the drafting of men. I shall refuse to vote for any measure to draft men, and I do not propose to vote for any measure to draft property.

This provision is extraordinary. It is said that it is intended to hit some subcontractor who will not make a contract. It goes far beyond any such provision, so far as the words themselves are concerned. Under the terms of the amendment the Government might say, "We need an additional factory to make fuses." The Government officials might look around the country and find a factory producing safety pins. They might say, "That is a good plant in which to make fuses. We want that plant." Perhaps the machinery is somewhat the same. The owner of the factory may never have dealt with the Government. He may never have been asked to make a contract with the Government. It is not necessary that he be asked to make a contract with the Government. The Government may say to the owner, "We want to use your plant. Hand it over." The business, which has been built up over a period of perhaps 100 years, is wiped out overnight. The owner may not be able to find another plant for many months. In the meantime his business will have disappeared.

I do not say that it is tremendously different in principle from the draft of men, but certainly it gives far more discretion to the Secretary of War or the Secretary of the Navy. In drafting men, they may be classified according to rule, and they may be drawn according to lot. However, in this case the matter is entirely within the discretion of the Secretary of War or the Secretary of the Navy. The Secretary may look at the plant of the United States Steel Corporation and say, "We want to make guns; so, gentlemen, we will take over the whole plant. You will discontinue all your other manufacturing. We need this plant."

Mr. BONE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BONE. I do not know whether or not the Senator from Ohio agrees with me. Personally I think we are being ruthlessly pushed into war; and I think unless there is a very great change in the attitude of mind of many in high places, and among those who control the channels of publicity in this country, war is only a short distance away. I ask the Senator from Ohio if he thinks that businessmen in this country now imagine that they are going to retain the orthodox pattern of life for themselves when the country is churned and torn by war? I wonder if the Senator thinks that the average businessman imagines that he is going to escape the impact of war, and keep the old orthodox pattern of operations?

Mr. TAFT. I think he probably does; and I think he is wrong.

Mr. BONE. He is a very quaint, old-fashioned person, with ideas which do not belong to 1940, if he thinks that his business will ever again be the same as it was.

Mr. TAFT. The amendment is inserted in a provision in the act of June 28, 1940, which provides that if the Secretary finds that he cannot make contracts, or that there is no facility or manufacturing plant to make something, the Government may build its own plant and manufacture the article. I voted for that provision; but the amendment goes a step further. It says that the Secretary may look about the country and pick out any plant he chooses, making something which may have no relation to war, and say, "That is a good plant. We want that plant." He might take the whole plant of the Ford Motor Co. and say, "Discontinue your manufacture of automobiles, because we want to operate the plant to make tanks."

The whole thing is left absolutely and completely to the discretion of the Secretary of War or the Secretary of the Navy. Either of those men may do whatever he pleases. He is not subject to any finding by the courts. He may say, "I want that plant for national defense," and tomorrow he may walk in. I say that is the most extreme delegation of authority we have considered. It differentiates the amendment from the draft bill, because it gives far more discretion and latitude.

My idea is this: There is a great emergency; I am willing to go as far as seems to be necessary to meet that emergency; but I do not think we ought to let the emergency, whatever it may be, justify our doing things that are not necessary to meet it. I feel strongly that it is not necessary to do what is proposed. If there is a manufacturer so unpatriotic that he is absolutely turning down Government orders which are necessary for the defense program, I say if the President would call him into his office, and put the question up to him, that manufacturer would accept the contract tomorrow, without any legislation by the Congress. I think it is wholly unnecessary even for the emergency which some of the Senators visualize; I think it is absolutely and completely unnecessary for the emergency which actually exists.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Maine.

Mr. WHITE. I desire to ask a question about the proposed amendment, which is giving me a little trouble. I take it that in ordinary condemnation proceedings there are two questions involved. The first question is whether the taking is for a public use; that must be determined first to justify the taking at all. Then there arises the question of damages to be paid for the taking of the property. It seems to me, as I read this amendment, it proposes to take from the jurisdiction of the tribunal set up to determine such matters the question as to whether the taking is for a public use. The Government takes the property upon the decision of the Secretary of War or the Secretary of the Navy; it takes it into its possession; it operates it, and the question as to whether it is for a public use is not involved at all in the condemnation proceedings. Is that correct?

Mr. TAFT. I think the Senator is entirely correct that Congress is delegating to the Secretary of War or the Secretary of the Navy the question whether or not the taking of a particular plant is a public use and whether or not it is necessary for the national defense.

Mr. VANDENBERG. Mr. President, I merely wish, in half a dozen sentences, to state my position on this amendment. I think the amendment is completely logical under the theory of this legislation and absolutely consistent with the remainder of the bill. I think it is the lengthened shadow of the philosophy of action upon which the bill embarks. It will be followed by other conscriptions. When I vote to conscript men, I shall certainly vote to conscript property. I have more respect for a human life than I have for a mechanical lathe. But, Mr. President, I am not voting to conscript anything in peacetime yet. There is no proof of need—yet—to abandon the American peacetime liberties of our citizenship. When we begin the abandonment, it will not ultimately end until the abandonment is complete.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment of the Senator from Georgia [Mr. RUSSELL].

Mr. WHEELER. Mr. President, ordinarily I would be absolutely opposed to this amendment known as the Russell amendment, because I think it would place in the hands of the Government, through the Secretary of War and the Secretary of the Navy, the power to confiscate property. As the Senator from Ohio [Mr. TAFT] has said, it would permit in peacetime the Government to take over a mine here or other property there and afterward settle the matter in the courts and pay whatever it wants to pay.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. RUSSELL. Does not the Senator think that the Government has that power already so far as taking land for a post office is concerned for the use of the Government?

Mr. WHEELER. That is quite a different thing.

Mr. RUSSELL. Why is it different than the Government taking a man's property so long as it is in the public interest to take it, whether it be for a post office or to provide for the national defense?

Mr. WHEELER. I see a vast difference in granting this power to the Secretary of the Navy or the Secretary of War in peacetime to take over any business enterprise in the United States they want to take over in the name of national

defense. With such a provision as this in the law, the Government can in peacetime take over any business. The business interests of the country would have constantly hanging over their heads the threat that unless they complied with every thought and every wish of the Secretary of the Navy or the Secretary of War their business would be taken over. When we pass peacetime conscription legislation and say to the young men of this country, "You have got to give up the pursuit of life, liberty, and happiness guaranteed by the Constitution because the Secretary of War or the President of the United States says he wants to take you away from your chosen occupation and put you in the Army and do with you as he wants to do," then there cannot be any excuse whatever for not also voting the same power with reference to business.

For that reason, Mr. President, I shall vote for the amendment; but when we adopt it, and before we pass the conscription bill, we ought to attach to it as an amendment a declaration of war and have it over with.

Mr. MALONEY. Mr. President, I should like to ask the Senator from Montana a question, if I may.

Mr. WHEELER. I yield.

Mr. MALONEY. In view of his explanation of why he will vote for the pending amendment, I am wondering if the Senator from Montana would feel the same way about the conscription of labor.

Mr. WHEELER. I did not understand the Senator's question.

Mr. MALONEY. I am wondering if the Senator from Montana, in view of his reason for supporting the pending amendment, would feel the same way about the conscription of labor.

Mr. WHEELER. This bill does conscript labor. It takes a man out of a factory where he is working, we will say, for $30 or $50 a week, and says to him, "Go into the Army and take $21 or $30 a month." That is conscripting labor itself; labor is conscripted under this bill. It not only takes a man's property, but it takes away his earning power and fixes his wages at $21 a month. It says, "Although you have been used to earning $75 a month, though you have a wife, perhaps, and children, you must go into the Army for $21 a month." That takes his property away. So there is a conscription of labor under the very terms of the bill.

Mr. MALONEY. That is not true.

Mr. WHEELER. I disagree with the Senator. He can put his own construction on the language of the measure, but I say when we take a man out of a factory or out of the field and put him in the Army in peacetime we are conscripting labor, and there can be no other construction put upon it, regardless of whether or not the Senator from Connecticut thinks that is true or whether he thinks it is false. Whether he thinks it is true or whether he thinks it is false, I say that the words of the bill speak for themselves. I would not stand on this floor and say that the Senator made an untrue statement, but I say the facts speak for themselves, and I submit we are conscripting labor and are conscripting property, and if we are going to conscript labor in time of peace then we ought also to conscript property, and factories. Under the bill a club is held over the life of every young man in this country whether he is put in the Army or not. There will be held over 12,000,000 of them between the ages of 21 and 31 the thought that if they say this or say that they may be taken next and conscripted into the Army. The financial crowd in New York, the bankers and the great newspapers of the city of New York, who are parading and shouting for this bill in the interest of doing patriotic service, will raise a howl when this amendment is put into the bill. They are for conscripting labor; they are for conscripting youth, and they are for conscripting anybody else, but they themselves do not want to be conscripted and have their property taken over. I agree with the Senator from Colorado and with the Senator from South Carolina that when we conscript one we have got to conscript the other.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. JOHNSON of Colorado. In the bill proposed by the Senator from Florida, the so-called totalitarian bill, everything proposed to be done under that bill, as I recall, is to be done in the name of national defense. Is that correct?

Mr. WHEELER. Certainly I understand that is so under the seven-point bill of the Senator from Florida. I again want to congratulate him—and I say it with good feeling toward my friend the Senator from Florida—because, step by step and step by step, we are following his leadership in this body and in the Congress of the United States. I have little doubt that when we pass this bill we will take the next step he suggested in his seven-point program, and will continue to take the steps he has outlined in that program.

Mr. DOWNEY. Mr. President, I must admit a total sense of inadequacy in attempting to comprehend the possible scope and effect of an amendment of this character. As I read its language it would allow the Secretary of War or the Secretary of the Navy, without any prior judicial determination of necessity, to go into any factory or into almost any business in the United States, dispossess the owner and take over the enterprise upon 24 hours' notice, leaving the proprietor the bare right in some lawsuit later on to determine the amount of his damage.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. ADAMS. The Senator is in error in one respect, for there is no requirement of 24 hours' notice.

Mr. DOWNEY. I stand corrected by the accurate Senator from Colorado. I assumed that possibly, in the bureaucratic urge that is upon us, if the General Motors Co., or the Ford Co., or the Anaconda Co. were to be taken over under this bill, probably they would be allowed 24 hours' notice.

I cannot conceive that we have reached any crisis in this country at this time by virtue of which we should be ready to place in the hands of two men the arbitrary power to take over, at their will, almost every type of business in the United States.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOWNEY. Yes; I yield.

Mr. RUSSELL. I should like to know why the Senator from California did not raise this issue when a similar provision was written into the law, Public, No. 671, one of the defense acts, which allowed the Secretary of the Navy to take over a plant and did not even give the man who owned the plant an opportunity to go to court to determine what it was worth but let the Secretary of the Navy himself fix the compensation. That measure is on the statute books at the present time as one of the defense acts.

Mr. WHEELER. Mr. President, was not that provision written into the bill in conference?

Mr. RUSSELL. I do not know about that.

Mr. WHEELER. My understanding is that that provision was written into the bill in conference, and that nobody in the Senate or the House knew that it was in the bill.

Mr. RUSSELL. I do not know about that. I think the Senator from Ohio stated that it was written into the bill in conference. I do not know where it went in, but I know it has as much binding force and effect as law at the present moment as if it had started out in the original bill and had been voted on line by line by every Member of the Senate. It is in the law at the present time.

Mr. DOWNEY. Mr. President, I freely admit that the admonition to me from the distinguished Senator from Georgia may be a righteous one. I have a total sense of inadequacy in dealing with the multifarious problems which now flow before us. I do not pretend to know more than a small part of what is happening in Washington, or even in the Senate of the United States; and, very possibly, I was neglectful in not apprehending the nature of this problem before.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. MALONEY. I merely want to ask the Senator from California not to chide himself too much, because he is in

pretty much the same position as a number of other Senators. It has been generally understood that this language got into the naval bill under at least peculiar circumstances; and I should like, if I may, in the Senator's time, to ask the sponsor of this amendment if an effort has not been made in the House to repeal this language.

Mr. RUSSELL. Oh, yes; such an effort is being made in the House; and I can readily see that quite a number of Members of the Senate would be in favor of halting or repealing any effort to lay any hand whatever on industry which might not cooperate with the Government in preparing the Government to defend itself against any aggressor from any source.

Mr. MALONEY. If the Senator from California will yield to me for just a moment more, so that he may be sure that there is no need to censure himself, I wish to say that the Members of the Senate and Members of the House have not yet been able, at least for the most part, to find out how this language got into the naval bill.

Mr. DOWNEY. I thank the Senator from Connecticut very much for extending me that help.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WALSH. In order to remove the inferences that have been made here about this language being new and original and not in either the House or the Senate bill, I ask permission to insert in the RECORD the original provision of the Senate bill and also the existing law which came out of conference and an explanation.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The bill H. R. 9822, as passed by the Senate, contained the following language:

Provided further, The Secretary of the Navy is authorized to employ such additional personnel * * * and to provide * * * for such public works projects, inclusive of buildings, facilities, utilities, and appurtenances thereto (including Government-owned facilities at privately-owned plants and the expansion of such plants), and the acquisition of such land, and the purchase or lease of such structures, as he may deem necessary to carry out the purposes of this act.

The Secretary of the Navy is further authorized, with or without advertising or competitive bidding, to provide out of any available naval appropriations, for the operation and maintenance of any plants, buildings, facilities, utilities, and appurtenances thereto constructed pursuant to the authorizations contained in this act, either by means of Government personnel or through the agency of selected qualified commercial manufacturers under contracts entered into with them, and when he deems it necessary in the interest of national defense, to lease, sell, or otherwise dispose of any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412): *Provided*, That the Secretary of the Navy shall report every 3 months to the Congress, each and every contract amounting to $100,000 and over, entered into under the authority of this section.

Mr. WALSH. The House did not have a similar provision, as the above provision was inserted in the bill at the request of the Navy Department during deliberations of the Senate committee.

When the House and Senate conferees met, the House conferees objected to the above language in the Senate bill on the ground that it was too broad, and submitted for the consideration of the conferees an amendment which officers of the Navy Department had prepared, which sought to modify the Senate amendment.

The language of the amendment proposed by the House conferees and adopted by both the House and Senate, is as follows:

Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities to effectuate the purposes of this act in the procurement or construction of items authorized in connection with national defense, he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government-owned land or elsewhere, and to operate them, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility, either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility: *And provided further*, That the Secretary of the Navy shall report to the Congress, every 3 months, the contracts entered into under the provisions of this subsection.

It will be noted that the Senate language gives to the Secretary of the Navy unlimited power and authority, with or without advertising or competitive bidding, to provide for the operation of any plants, buildings, facilities, and utilities constructed pursuant to authorizations contained in the act, either by Government personnel or through the agency of commercial manufacturers.

The House sought to limit or modify this sweeping power by language which limited this power to "Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities." The House conferees also recommended language which permitted the Secretary of the Navy to "take over and operate" such plants or facilities in the event he could not enter into contracts with the owners thereof.

Mr. President, these are the facts as I understand this whole incident.

There was no intention upon the part of anybody to do other than to lessen or to reduce the force and effectiveness of the original language as reported by the Senate committee. All that is aside, however. We are now urged that, whether the other provision got in rightly or wrongly, it should be the law. Is not that correct? Whether it got in rightly or wrongly, we are urged that it should be the law; and, so far as I am concerned, if I had my way, the law would go further than this and would provide for this power to be given to the President in dealing with every person with whom this Government is contracting for national-defense supplies during an emergency declared by the President.

Mr. RUSSELL. I should be willing to go to the same length the Senator from Massachusetts has stated.

Mr. MALONEY. Mr. President, will the Senator from California yield to me for just a moment more?

Mr. DOWNEY. Yes; I yield.

Mr. MALONEY. I have heretofore pretty clearly expressed, I think, my position on this subject; but because I have participated in this brief colloquy, I do not want to be misunderstood. I take just the opposite view from that taken by the Senator from Massachusetts in time of peace. The Senator from Massachusetts has emphasized time and again that we are considering this important piece of legislation in time of peace; and until war comes I do not want to be part of any effort to conscript business, industry, or capital, because I know that the next step after that is a definite conscription of labor, and after we do those two things it is quite needless to talk about a fight for the preservation of democracy.

Mr. WALSH. Mr. President, may I add just one word?

Mr. DOWNEY. Yes.

Mr. WALSH. All these proposals were the result of the precedent in the law of 1916, which I have read to the Senate, in which even greater power than this was given, in which it was made a felony for a manufacturer to refuse to accept orders. That was 1 year before this country entered the World War, and the language granted this extraordinary power was "in expectation of war." The law of June 28, 1940, provided for extraordinary contracts to be entered into without competition or bidding. They were merely negotiated by a contractor for airplanes sitting down with the Secretary of the Navy, and the latter, after thorough examination of all factors, saying, "I want 500 planes; what will you build them for?" "I will build them for $500,000,000." "All right. Now, let us sign the contract." That was the end of it. I claim that when we give such extraordinary power, doing away with all bidding, leaving to private negotiation the building of planes, and spending of millions of dollars, there ought to be some restriction upon the profits under the present law.

Think of it, Senators. Think how far we have gone. Under the present law, to these airplane men we say, "Name your price." They name it. "All right; we will agree to that.

Here is 8-percent profit on top of it." Now, mark that—they are given 8 percent on top of the price negotiated; and yet some of them refuse to take that and say, "We will not negotiate. We will not take that 8-percent profit," even though the Government has removed all the risk of competition, all the chance of losing money by the contractor.

I want to say to the Senator that, in view of the fact that we were building up the Navy in an extraordinary manner for the purpose of building up our defense for fear lest we might be attacked, we felt that we should follow the principle laid down in 1916, 1 year before this country entered the World War.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. DOWNEY. First, Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. MALONEY. Will the Senator from California yield to me for a very brief observation?

Mr. DOWNEY. I will yield for 1 minute. I want 4 minutes myself.

Mr. MALONEY. I do not want that long.

I should like to say that I never feel comfortable when I am in disagreement with the distinguished and able Senator from Massachusetts [Mr. WALSH], but I do not think the thought ought to be permitted to go out to the country that we are to allow airplane manufacturers or others to reap a great harvest of profit. We are now taking steps, which will culminate within the next few days, to recapture all excess profits.

Mr. DOWNEY. Mr. President, I am in entire agreement with what the Senator from Connecticut has just said. We have simple, proper, rational ways to limit profits; we do not have to place in the hands of the Secretary of the Navy or the Secretary of War the right arbitrarily, without any judicial decision of necessity, to seize practically every business in the United States.

I cannot follow the logic of my distinguished colleague and friend the Senator from Montana. I shall vote against this amendment for just the same reason that I shall vote against drafting the men of America between 20 and 30 years of age. I know that in this peacetime it is not necessary to throw every one of those men into the unhappy uncertainty of the draft law, and I know it is not necessary, to accomplish justice, to place this arbitrary and dictatorial power within the bureaucratic power of our Secretary of War and our Secretary of the Navy. If I read this law correctly, if the Secretary of War or the Secretary of the Navy should say, "This newspaper is a facility that I require to spread news or propaganda," or "This radio is necessary for public purposes," that decision would be final, and the newspaper or the radio would pass out of the hands of the proprietor.

If we want a dictatorship, if we are to pass into a socialistic era, let us go in from the front door, not from the back. Let us and the people comprehend the far-reaching and dictatorial power created under this amendment.

Again I say that I must disagree with my distinguished colleague the Senator from Montana. The same logic that will make me vote against the proposed compulsory conscription bill will make me vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WAGNER] to the modified amendment proposed by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON].

The amendment to the amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. PEPPER. Mr. President, when persons venture to enter upon an undertaking the most important thing is for them to determine whether they are going to accomplish it or not, or whether they really mean to achieve it whatever the obstacles may be. The thing which has been involved in all the efforts we have made toward national defense in the last few weeks was the question of the American people making up their mind as to whether they were really going to prepare to defend themselves against any and all forces which might be asserted, or whether they were just going to make a sort of half-hearted effort against some imaginary foe which might attack them. Underlying everything that has been said on this floor has been that fundamental question. Senators have said they were willing to have an army, but they did not think there was any danger which necessitated an army. They said, therefore, "Take volunteers, and do not conscript anyone."

If they knew there was an enemy at the gates of America, if the bloody hand of dictatorship actually hung like the sword of Damocles over the head of this Nation, if our factories and our homes were being destroyed by an invader, then would they quibble about whether they would take 60 days or 90 days or 6 months to test the volunteer system, and whether this detail or the other one had been satisfied? Then everyone would put little things aside and would put first things first, and would say, "We are determined to defend America."

Mr. LEE. It would be too late then, would it not?

Mr. PEPPER. In modern warfare; yes. The Senator from Oklahoma obviously has in mind what happened in the war of 1917. War began in Europe in August 1914 of world-shaking proportions. It lasted until 1917, in the month of April, before the Congress of the United States declared war in accordance with the sentiment of the people of the United States. Then what happened? In June Congress passed a conscription bill, and in September the first men were called into service under that law. There was a period of delay from April to September. If we had been attacked, who would have defended the country in such an interim? The little Army we had in April 1917? Let me add, if I am not incorrectly informed, the total number of volunteers in that period was some 400,000 men.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. Does the Senator have any information to the effect that after the declaration of war in 1917 the Government was not able to secure all the men it asked for by the volunteer system?

Mr. PEPPER. I do not have any such information, and express no opinion about it. I am stating a fact as I have it.

Mr. CLARK of Missouri. The fact is that the Government of the United States was never unable to secure by the volunteer system all the men they needed or asked for.

Mr. PEPPER. I am glad to have the Senator give that illuminating bit of information. It would seem to me to be pertinent to the argument which has been made by the opposition to the pending measure for some weeks past.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I think it should be stated, in that connection, that during the World War some four and a half million men were inducted into the service of the United States, and in the neighborhood of a million and a half volunteered during the entire war. As General Crowder stated in his report on the operations of the selective draft, most of those who volunteered did so in anticipation of the draft, because they would rather have it said that they had

volunteered than that they had waited until the draft took them in.

Mr. CLARK of Missouri. If the Senator from Florida will yield——

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. Let me say to the Senator from Kentucky that that statement is entirely erroneous. I know that in my own State two full regiments of the National Guard were raised after the declaration of war, purely volunteer outfits, and that the quota they were able to take was filled up in the first 2 days of the opportunity to volunteer. For the Senator from Kentucky to say that the men who volunteered in 1917 did so merely because they thought they were going to be drafted is certainly a reflection on the patriotism and the courage of the men who did volunteer at the first opportunity they had.

Mr. BARKLEY. Mr. President, I have no controversy with the Senator from Missouri over the organization of two volunteer regiments. Undoubtedly many men throughout the country volunteered because they preferred to do so. I have in mind a county in my State where there were so many volunteers the Government never did draft a man there.

Mr. CLARK of Missouri. That was Breathitt County.

Mr. BARKLEY. Yes; Breathitt County. But I am quoting General Crowder, who was provost marshal general during the World War, and inducted the drafted men into the service. While there are localities where volunteers went in, of course, in large numbers, I am speaking of the total number of men who were in the Army during the World War.

Mr. CLARK of Missouri. If the Senator from Florida will permit me, of course, every one knows that General Crowder was an advocate of the draft. He was Judge Advocate General of the Army before he became provost marshal general. He was from my State, and a very distinguished soldier from my State. Incidentally, he studied law while he was commandant of cadets at the University of Missouri. He was naturally in favor of the draft, because it made a tremendously important man out of General Crowder. If we had not had the draft General Crowder would have been an ordinary, run-of-the-mine Judge Advocate General of the Army. Naturally his inclination was to belittle the volunteer soldier, and to exalt the draft, and he very successfully did it. But for the Senator from Kentucky to rise and quote General Crowder as saying that men volunteered because they wanted to escape the draft is simply to make a statement without any foundation in fact whatever. The United States has never at any time in its history had the slightest difficulty in raising all the men it needed by volunteer enlistments, except for short periods during the Civil War, when it had a draft system, which was very unsuccessful, which permitted men who were drafted to hire substitutes, including one President of the United States.

Mr. PEPPER. Mr. President, I did not rise to debate altogether the merits of the volunteer system. Our own history eloquently attests its insufficiency for the great crises of our country. I think that if we may believe the words of the Father of Our Country, we have good admonition as to whether it can be depended upon to save the country in a moment of crisis, whatever its virtues may be, and they are many. What I was saying was that in 1917 there was the period from April to September before any troops were actually called into service. Almost a year elapsed between the time of the declaration of war in 1917 before the United States became a military factor in the World War, insofar as troops of her own were concerned.

Mr. President, it happened that by reason of having allies who were on the first line and were able to withstand the onslaughts of the enemy, our men were able to come and turn the tide of battle and the war. But times have changed much since 1917. In those days nations did at least generally declare war. There was at least some general notice that they were about to march. There was generally some evidence that they were about to attack. Nowadays, in a time which would be less than the time it would take to put the draft into effect, all Europe has been conquered. We are not dealing with an old stone age in military affairs; we are dealing with a "blitzkrieg" age. We do not have to begin to start to get ready. We have to be ready. If we are not ready on the instant we are lost forever and do not have a chance to reform our lines and recover our strength and revitalize our efforts.

Senators have talked about preparing for war, or doing things which meant preparation for war, in times of peace. I have heard the axiom all my life, "Prepare for war in time of peace." What better time is there in which to safely make such preparation? If we are to defend our country, do we wait and give the advantage to the aggressor until after the fatal strike has been made, and then say, "Oh, now in this great emergency I must resort to some miracle to defend myself."

As I have sat here day after day and listened to the debate I have let my mind conjure up the picture of what some of our able colleagues on this floor would do and say if their country were attacked by a military power like Germany, led by a mad genius like Hitler, and they were in the Executive chair, charged with the duties of the Commander in Chief to defend their country. I wonder what they would think of their own remarks. I wonder what they would think then about their lack of fear now. I wonder how they would be able to atone for the delay in the mobilization on an army for which they have unintentionally been responsible.

Mr. President, it seems to me that the first thing we should do is to make up our minds whether this thing is real, whether it is serious, whether it threatens our existence and our destiny; and if it does, take no chances about total preparation and total defense.

We hear a great deal nowadays about total war, every kind of a war, war upon every front, sparing none, not even the babe in its cradle, resort to a strategy of terfor, crushing the will of the defender to defend himself.

It seems to me that the greatest exponent of peace in the world should support total preparation for defense and total insistence upon safety and security. Yet when that is proposed, Senators say, "You are for dictatorship."

I ventured to offer a program here which had in it seven points, the first of which was to confer upon the President full wartime power to prepare to defend America. Is it wrong to give a man the power to get ready, if he is permitted to exercise that power, when the moment comes for him to defend the country? In other words, what is wrong, in a great emergency, about giving to the same Executive who would defend a country in time of danger full authority to get it ready to defend itself?

I differ with some Senators in my definition of dictatorship. I call Hitler's rule a dictatorship. But I know, and the Senator knows, that he has broken down every safeguard of a free state. There is no Reichstag which is freely and fairly elected. There is no free press. There is no free speech. There is the concentration camp. There is no freedom of assembly. There is nothing that smacks of freedom or democracy; yet Senators say that because we, the Congress of a free country, pass a bill conferring upon the President the power to defend the country by law and under law, we believe in that terminology that is applicable only to that dastardly concept of government that is now called dictatorship or totalitarianism.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question.

Mr. CLARK of Missouri. Did not the Senator from Florida also in the same speech to which he just now referred, advocate that power be conferred upon the President to suspend all statutes or any statute that he saw fit to suspend?

Mr. PEPPER. I will read the language of one of my proposals:

> Third. Confer upon the President power to suspend all rules, regulations, and statutes, including Army, Navy, and departmental seniority regulations, which in his judgment interfere with the maximum speed in the production, transportation, or manufacture of defense material.

If that is dictatorship, make the most of it.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me I wish to ask him another question. Does the Senator know of any power that Stalin or Hitler or Mussolini have further than the power which would be conferred upon the President under that provision, and which the Senator advocated be conferred upon the President?

Mr. PEPPER. I will answer the question seriously.

Mr. CLARK of Missouri. Well, I asked the question very seriously.

Mr. PEPPER. I am sure the Senator did. But the nature of the question was such as to permit the implication that the Senator was not asking it seriously. That is the reason I said I would answer it seriously.

The PRESIDING OFFICER (Mr. HILL in the Chair). The time of the Senator from Florida has expired.

Mr. PEPPER. May I take time on the bill itself?

The PRESIDING OFFICER. Not under the consent agreement.

Mr. ADAMS. Mr. President I ask that the amendment to the so-called Russell amendment, which I offer, be stated.

The PRESIDING OFFICER. The Senator from Colorado offers an amendment to the pending amendment to the committee amendment, which will be stated.

The CHIEF CLERK. At the end of the amendment to the committee amendment, offered by Mr. RUSSELL for himself and Mr. OVERTON, Mr. ADAMS offers the following amendment:

Section (—) (a) All the provisions of section 3 of the act of March 27, 1934 (48 Stat. 505), as amended, shall be applicable with respect to contracts hereafter entered into for weapons, ammunition, and other military equipment procured by the Ordnance Department of the Army and by the Bureau of Ordnance of the Navy to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft or any portion thereof for the Army and Navy:

Provided, That the Secretary of War shall exercise all functions under such section with respect to such contracts for the Army, and the Secretary of the Navy shall exercise all functions under such section with respect to such contracts for the Navy.

(b) The provisions of section 3 of such act of March 27, 1934, as amended, shall, in the case of contracts or subcontracts entered into after the date of approval of this act, be limited to contracts or subcontracts where the award exceeds $50,000.

(c) All determinations hereafter required under such act of March 27, 1934, as amended, with respect to the costs and profits of War Department and Navy Department contracts shall be made by the Secretary of War and the Secretary of the Navy, respectively.

Mr. ADAMS. Mr. President, the occasion in part for the amendment of the Senator from Georgia [Mr. RUSSELL] was the difficulty in getting contracts for airplanes. The argument was made that subcontractors were not willing to furnish materials or to enter into contracts for airplanes because the subcontractors in those contracts were limited to a 12-percent profit, whereas in the vast field of ordnance, munitions, and guns, there was no limit on the profits. Accordingly, if the contractor could get a contract to make tanks and guns, he could make 18 percent or 20 percent, or whatever percent he could make.

My amendment takes the existing limitations on profits applicable to the airplane production and extends them until they apply also to the ordnance departments; so that the subcontractor will not have any monetary premium offered him to quit airplane production and go over to the production of tanks or guns; that is, it is an effort to establish a horizontal limitation upon profits on the production of war materials.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. RUSSELL. I understand I have exceeded all my time in the aggregate. Otherwise, I was going to speak in my own time.

The PRESIDING OFFICER. The Senator is correct. The time of the Senator from Georgia has expired.

Mr. RUSSELL. I want to say, since the Senator from Colorado was kind enough to yield, that I was rejoiced when the Senator from Colorado stated earlier today that he was going to support the amendment introduced by the Senator from Louisiana [Mr. OVERTON] and myself. I gathered from his remarks that he was not very enthusiastically for the amendment, and that he was opposed to it in the committee. I regret very much that he is now seeking to kill the pending amendment by offering an amendment to it which relates to an entirely different subject matter, and that he is offering it to the amendment I propose, when the custom of the Senate is that when amendments are to be offered on their merits they should be offered to the original bill rather than as a rider to an amendment which it is sought to kill by devious means.

Mr. ADAMS. The argument which the Senator from Georgia offered to justify his amendment was the very statement of fact which I made; in other words, that there were certain manufacturers who would not undertake to make parts for airplanes because, by going over to the ordnance department and getting contracts for the production of other materials they were free from profit limitations. I am seeking to help the Senator from Georgia cure the very evil at which his amendment is aimed. He goes to the point of saying that the Government can take over the plants, and by my amendment I am merely seeking to make applicable the same limit of profits upon ordnance material which now exists upon airplanes, so that the contractor for airplanes will be able to go to the subcontractor and not be under a handicap.

It seems to me to be entirely pertinent to the Senator's amendment, in view of those purposes.

I will save the rest of my time.

Mr. LEE obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield to me?

Mr. LEE. I yield.

Mr. RUSSELL. I merely wish to say that I have absolutely no objection to the amendment proposed by the Senator from Colorado. The subcommittee, when it was considering this matter in the House appropriation bill worked very determinately in an endeavor to arrive at a solution of the question of limitations of profits. I was for the limitation of profits. The Senator from Colorado and others prepared this amendment in the subcommittee and discussed it somewhat, but it is my recollection it was never even offered to the bill in the subcommittee.

Mr. ADAMS. It was offered and defeated. The Senator from Georgia voted against it.

Mr. RUSSELL. I am for the Senator's proposition. I am for drastic legislation to see that no manager or owner of an industrial organization shall become immensely wealthy out of this national emergency, when we are summoning men to the colors whether they want to go or not. But I do say that it is unfair on the part of the Senator from Colorado to seek to put his amendment on my amendment, to offer an amendment relating to an entirely different subject matter to the amendment I propose, when he knows he could offer it to the pending bill as a new proposition immediately on the disposition of my amendment.

I wish the Senator would be fair enough to withdraw the amendment and offer it to the bill as a separate proposition. I will go along with him and support the amendment to the limit of my ability if he will offer it to the bill as an independent amendment and not attempt to becloud the issue, as presented by the amendment I have already offered.

Mr. OVERTON. Mr. President, will the Senator yield to me for a brief statement?

Mr. LEE. I yield.

Mr. OVERTON. The Senator from Colorado states that his amendment will cure the situation.

Mr. ADAMS. I did not say it would cure it, but it is an effort to aid in the cure.

Mr. OVERTON. It would aid rather meagerly, because we are in competition not simply with orders for other matériel going into national defense to be used by the Federal Government, but we are also getting in competition with orders from private industry, and we are also in competition with orders from foreign governments for munitions of war.

Mr. LEE. Mr. President, I hope the amendment of the Senator from Colorado will be defeated.

The strength of democracy in normal times becomes its weakness in critical times. The far-flung liberties and privileges that people enjoy in normal times, when no danger threatens, become the danger to the democracy when there is imminence of attack.

Therefore, a democracy, to survive must have within it the power to contract and to expand, to withdraw its liberties temporarily, and then be willing to restore those liberties after the danger passes. Whenever a democracy is brought into competition with despotism, unless that democracy has within it the power temporarily to surrender those liberties and form itself into a compact fighting unit which can move quickly and without going through the democratic processes it must go through in normal times, then that democracy will not survive the danger. Therefore, it becomes necessary if there is danger—and if there is not, every Member of the Senate, by voting for $14,000,000,000 worth of appropriations for defense, has thereby convicted himself of being a profligate spendthrift—I say if there is danger, then it becomes necessary for this democracy temporarily to surrender some of the liberties of which we are so proud in normal times, and which we enjoy in normal times in order to make sure that we do not lose those liberties permanently. During the World War it was said that Woodrow Wilson had as much power as the Kaiser; but immediately upon the passing of the danger which threatened, the power was not utilized, and the customary liberties were returned to the people.

We must have confidence in our form of government and in those whom we elect to high office. If we did not have such confidence we should never elect anybody. The President of the United States has in his hands enough power to wreck the Government overnight at any time, if we should elect a man who is inclined to do so.

I think we are confronted with danger. I do not believe any Member of this body wants war. I do not like the statement of Senators implying that, because some of us look at the question from another point of view, we want to urge the country into war. I say that the attitude of some of us who believe that by making ourselves strong we are furthering peace is more easily defended and more logical in the light of the present war than the attitude of those who would keep us weak, and those who preach appeasement.

Did Ethiopia want war? Was it a draft or conscript law which got Ethiopia into war? Certainly not. Did Albania want war? Of course not. Does China want war? Did she ever want war? I say that weakness invites attack; and today it is wrong to keep America so weak that the treasures of the Western Hemisphere will be an invitation to the dictators to come over with their legions and take this treasure.

We often hear the statement, "I am for the draft, but not for a peacetime draft. I should be willing to have the Government lay its hands upon the factories if we were in war." I understand that the word "blitzkrieg" means lightning stroke. That is modern war. The people in the little country of Denmark went to sleep one night and when they woke up they were slaves of Hitler. The people of Norway went to sleep one night and when they woke up their capital was in the hands of the enemy. How much good would it have done them to say, "I favor the draft, but not in peacetime" or, "I favor the Government having power to take over a factory in time of war"?

Certainly the Government ought to have the power to take over a factory in case of war. It ought to have power to take over a radio station. It ought to have power to take a newspaper for propaganda if necessary to protect itself. If we are in danger, why should not the Government have such power? When representatives of the various nations sat down across the table at Munich, England and France were so weak that they were not in a position to deal with a man who was strong. If they had been as strong as Hitler there would have been no war in Poland or Norway. I say that weakness invites attack. I say to Members of this body that we shall be responsible for the strength or weakness of this country, and that our chances for peace increase with the increase of military power. That means the power of the Government to act after the manner of the "blitzkrieg"—like a lightning stroke. That is why it is necessary to give the Government such power if it is needed. Certainly it calls for some faith and trust. We are asked, "Why be like Hitler in order to stop Hitler? I do not think much of that argument. I think it is fairer to say that we must fight fire with fire; we must fight poison with poison; we must make it possible to temporarily surrender some of the liberties which we enjoy in normal times in order to be in a position to protect those liberties against a dictator who would destroy them permanently.

Mr. CHANDLER. Mr. President, will the Senator yield for a question?

Mr. LEE. I am sorry. I have only about a minute left, and I have a few things to say.

Mr. President, even after we had been in the World War for more than a year, not one American-made plane had reached the front. What was the result? We had to beg, borrow, and buy from the Allies such planes as we could get from them. Of course, they used their best planes for their own boys, and the planes we got were the out-of-date, less efficient planes. The result was that casualties among the American flyers were three times greater than among those of the Allies, not because our boys could not fly, but because of the out-of-date, inefficient planes we had to use. Although we had been in the war for more than a year, our factories were moving slowly.

Certainly we ought to give the Government the power to take over factories when manufacturers show indications of being reluctant, niggardly, or hanging back over prices. Every time an American boy took his place in one of those planes in the World War, death rode in the cockpit with him. That responsibility must not rest on us if war should come again—and I do not believe it will if we get ready. Our only chance to escape war is to get ready for Hitler before Hitler gets ready for us; and if we get ready, and if we are strong enough, he will not come. If we are not strong enough, make no mistake, he will come.

We shall have a war trying to defend the Monroe Doctrine, or else we shall have to abandon the Monroe Doctrine. If we abandon the Monroe Doctrine, we shall spend every cent we can raise for national defense for the rest of the existence of this Nation, and live in a state of total fear as did the little nations of Europe in their last days.

Therefore, let us promote peace by becoming so strong that we can talk to Mr. Hitler not only across the table, but across the ocean. The only language he understands is the language which is spoken from the mouths of cannons, tongues of fire; and the best arguments for peace are more airplanes in the sky. Let us send up those arguments until there are clouds of airplanes, and then tell the dictators to stay on their side of the ocean. Then we shall have peace in America.

[Manifestations of approval and disapproval in the galleries.]

The PRESIDING OFFICER. The Chair admonishes the visitors in the galleries that it is a violation of the rules of the Senate for visitors to give any expression of approval or disapproval, by applause or in any other fashion. The Chair requests visitors to observe the rules of the Senate.

Mr. CHANDLER. Mr. President, I have no desire to delay the vote on this important matter, but I should like to have the Senator from Oklahoma use as much of my time as he desires to explain, if he will, the reason for the Government taking over a newspaper for propaganda purposes.

Mr. LEE. Mr. President, will the Senator permit me to answer the question in his time?

The PRESIDING OFFICER. That would be contrary to the unanimous-consent agreement, and contrary to the rules of the Senate.

Mr. CHANDLER. As I understand, I have 15 minutes to speak on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized to speak for 15 minutes.

Mr. LEE. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield to the Senator from Oklahoma.

Mr. LEE. I wish to ask the Senator a question.

Mr. CHANDLER. I do not yield for that purpose. I yield only to permit the Senator to answer my question.

Mr. LEE. I answer by asking the Senator a question, in order to conform to parliamentary requirements.

Is it not a fact that Hitler is the first military genius in the history of the world to use the propaganda machine? He has used it so effectively that his wars have been won before his legions struck. That is why it is necessary for the Government to have propaganda in case of an acute national crisis such as we should face if we were forced into a war against Hitler. If he comes over here, we shall have to answer his propaganda, because it is through that propaganda that he has undermined many other countries. Mr. Bullitt, our Ambassador to France, said that it was propaganda which softened the people of France. We know that France did not fight as she could have fought if she had been united. She was undermined and weakened because of propaganda. Certainly we must fight the modern dictators with the same kind of weapons as they use. They use propaganda. If we are ever called upon to fight them, I want us to have every weapon they have—dive bombers, tanks weighing 90 tons, enough planes to meet them, and enough propaganda to keep our people strong. It was not until England got her propaganda going that she became united and strong. She dug out the rotten spots, strengthened the weak places, and clamped down. Today her jails are full of "fifth columnists." Only when England began to solidify and unify her people did she become strong. That is why we might need propaganda in case of war.

If the Senator is thinking of freedom of the press, is it not true that in wartime we suspend freedom of the press anyway? Is it not true that we suspend the liberty of every soldier who is called? Is it not true that we suspend the freedom of the press? When we draft a man and send him to a camp we suspend his right to speak as he wishes; and sometimes we suspend his right to life. Then, does the Senator mean to imply that if we are forced into war we would not have a right to place censorship on the press and to use every weapon that a dictator might use against us?

Mr. HATCH. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. I have just come into the Chamber, and I judged from what has been going on that the time of the Senator from Oklahoma had expired and the Senator from Kentucky had been recognized and had yielded to the Senator from Oklahoma for a question, which is the only purpose for which a Senator may yield. I recall the situation at a former session of the Senate when we were working under a unanimous-consent agreement and Senators attempted to do what I think has been attempted to be done in this instance to avoid the unanimous-consent agreement by one Senator securing recognition and permitting another Senator to speak in his time. I make the point of order that the proceedings which have just occurred are entirely out of order and are violative of the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair will rule on the point of order.

Mr. CHANDLER. Mr. President, before the Chair rules on the point of order, I should like to be heard. If one will investigate the precedents of the Senate he will find in the case of Huey Long against the Senate—and there were numerous such cases—that Huey Long got the floor and invited other Senators for a season to ask him questions. The Vice President passed on it adverse to the Senate and in favor of Huey Long.

Last year during the neutrality debate the Senator from Missouri [Mr. CLARK] undertook to do the same thing, and in that case it is my recollection that the point was decided in favor of the Senator from Missouri.

Mr. HATCH. If the Senator will allow me, the Senator from Illinois [Mr. LUCAS] was in the chair.

Mr. CHANDLER. The Senator from Oklahoma, while speaking, asserted that the Government ought to have the right to take over newspapers in order to propagandize the people of the United States. He did not have opportunity in his own time to explain his reasons for that statement. I was very anxious, without taking any side in it, for the Senator from Oklahoma to tell the Senate why he would have the Government take over a newspaper in order to propagandize the people of the United States. I do not believe the Government ought to take over newspapers or anything else or to use any situation to try to mislead the people of the United States, even if some other country does it. We should tell the people of the United States, either in or out of emergencies, the truth and not mislead them. The very fact that he suggested that Mr. Hitler had taken over the newspapers and was not careful about what he said in them, whether he told them the truth or not did not make any difference, for he wanted to have them believe whatever he told them. Of course, it would have been safer for the people of Germany not to have believed him at all. I do not believe any Senator ought to advocate the taking over of anything in time of peace or war that belongs to the people of the United States, unless it is absolutely necessary to defend their lives and property. While present, I should not like to have it appear that I approve of taking at random everything the people have—freedom of speech, freedom of the press, freedom of worship. If those rights are to be suspended, I do not intend to sit here in my chair and not raise my voice in protest. I shall not approve it.

Mr. LEE. Mr. President——

Mr. CHANDLER. I understood the Senator from New Mexico wanted me to yield, and I yield first to him.

Mr. HATCH. Mr. President, I merely wanted to say to the Senator from Kentucky that I am quite sure he misinterpreted the ruling of the Chair on the point of order which was made during the neutrality debate. The Senator from Illinois [Mr. LUCAS] was in the chair at the time. The Senator from Illinois is on the floor now and might tell the Senator from Kentucky about it.

Mr. CHANDLER. The Senator from Kentucky has some personal recollection about that because he was on hand. The Senator from Missouri is present now, and during the neutrality debate he made the point of order here that that point should not be sustained, for the reason that in the case of Huey Long against the United States Senate he got the floor and invited other Senators to ask him questions. Is that a correct statement, I will ask the Senator from Missouri.

Mr. CLARK of Missouri. I do not think there is any question about that. That has been the practice of the Senate ever since I have been familiar with the Senate.

Mr. CHANDLER. If the Chair wants to sustain the point of order, I have no objection, but I did not want the statement of the Senator from Oklahoma to pass without challenge being made from the floor.

Mr. LEE. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. The Chair will rule on the point of order. The Chair sustains the point of order.

Mr. CHANDLER. Mr. President, I have no desire to prolong the debate.

Mr. SCHWELLENBACH. Mr. President, I had not intended to participate in this debate, for a number of reasons, one of them being that I have had very considerable difficulty in making up my own mind as to how I should vote on this bill. I have come to the conclusion that I must vote against the bill, and I desire briefly to state my reasons therefor. I state them, not as an argument, but merely as an explanation of my position.

I know that many Members of this body feel that, so far as I am concerned, it is comparatively an easy matter now, because a vote on this question will not make any difference in my future life. I feel my position however, is more difficult than that which confronts most of the other Members of this body, for if a mistaken vote shall be cast upon this question by most of the other Senators, they will have an opportunity to stay here and correct the mistake, whereas

if I make a mistake in my vote upon this question that mistake will live with me for the remainder of my life. Therefore, to the best of my ability I have given consideration of the problem involved.

Mr. President, no one, no matter what side he may take in this debate, can deny that the proposal for the conscription of an army in time of peace is a historical departure so far as our method of raising armies in this country is concerned. Most of the Members of the body who have spoken upon this subject have been fortunate in being very sure about one side or the other of the argument. One group have said they were sure that Mr. Hitler was going to attack the United States; they were not quite sure as to the exact date, but they were sure that he was going to attack this country, and, therefore, we had to pass this bill to prepare against that day. Those on the other side were equally sure that Hitler could not attack the United States, because we have the protection of 3,000 miles of ocean. I am not sure about either one of those contentions; I simply do not know.

There is something, however, that I do know. I know that the reason that we fear the possibility of an attack by Hitler is that if he should attack and conquer us he would destroy here the principles of democracy which we so greatly cherish; he would destroy our democratic form of government.

We in this country inherit as our treasure not merely physical things; the greatest treasure we inherit is the right to think, to speak, to print, to be free. The reason we object so much to dictatorial forms of government throughout the world is that they have undertaken to destroy that concept in the world. Of that I am sure.

The second thing of which I am sure is that during the course of the next few years, with world economic and political conditions as they are, with our own economic and political conditions as they are, it is going to be a difficult task in this country to maintain and preserve the liberties of our democracy. No matter who may win the war now raging, no matter who may win the Presidential election in November the task of the preservation of democracy is going to be a difficult one.

The reason I speak at this particular time is that it seems to me the amendment proposed by the Senator from Georgia [Mr. RUSSELL] very properly raises the doubts I have in my mind about this bill. One cannot consistently say that upon the basis of emergency we are going to conscript manpower, take young men into the Army whether they want to go or not, and at the same time not say that we are going to conscript those who are working in munitions plants and factories. If we extend the principle to men, then, logically, it must be carried into every department of our industrial life, because everything is of importance so far as defense is concerned. We cannot conscript the young men of this country and put them into the military service without, as is proposed in this amendment, conscripting industries themselves. When the time comes and we reach the logical conclusion of the course which this bill proposes, necessarily the system of free economics in this country must be destroyed.

It may be that the emergency is such that some would favor it. We have just heard the suggestion made that the emergency is such that we should take the young men in the press gallery and use them for propaganda purposes. What assurance have we that the transfer of these authorities and the surrender of these liberties would be temporary if we follow out the suggestion just made, that the press of the country should be throttled and used for propaganda purposes?

Mr. LEE. Mr. President, will the Senator yield for a correction?

Mr. SCHWELLENBACH. Yes.

Mr. LEE. I believe the Senator will recall that I prefaced that statement by the proposition "if we were in war."

Mr. SCHWELLENBACH. I am glad to know that the Senator makes that preface, because it worried me very much to think that the Senator was contending that in time of peace we should take over the press for propaganda purposes.

Mr. LEE. The Senator also will agree that in time of war we impose a censorship on people; and I do not see that that would be any different than the proposal that the press be used for propaganda, if we are fighting against a dictator who uses the press for propaganda.

Mr. SCHWELLENBACH. I do not care to yield further; but I am afraid the Senator from Oklahoma by his second observation has described the value of his first observation. I know it to be true that if the Government takes over the industries of the country and conscripts those who work in those industries, which it must logically do if we are to take the step which is proposed here then we are going to confront the question whether or not a democracy can efficiently run business, whether all of the industries of this country can be run by means of a democratic form of government. I think it has been amply demonstrated that a democracy cannot do that, and that if we carry this thing on to its logical conclusion the net result will be the destruction of all of our liberties themselves, and the destruction of our democratic form of government.

As I said at the outset, there are certain things which many Members of this body feel sure about, and about which I do not know, but I think, frankly, that perhaps I know about as much about them as they do; but I cannot feel as sure about those things on one side or the other as they do. I know, however, that it is going to be of little value and little merit to us, in our desire to defend the democratic system in the United States, for us to take a step which, carried to its logical conclusion, would inevitably result in the complete destruction of our system of economics and of our system of government.

For that reason, reluctant as I have been to do so, I must reach the conclusion that I am opposed to this piece of legislation.

Mr. ASHURST. Mr. President, when the President nominated the able Senator from Washington [Mr. SCHWELLENBACH] for district judge, I presumed to solicit the attention of the Senate to say that the appointment was a happy one. The Senator today, by his courage and profundity of thought, has again demonstrated that he will be a very acceptable member of the Federal bench. We all feel much regret that such a superb intellect is to leave the Senate; and I am particularly struck with the Senator's profound observation that we cannot take one step, we cannot conscript men, and stop there.

On August 22 I ventured to inflict the Senate by saying that this conscription bill in time of peace touches at Saguntum; this conscription bill in time of peace sows dragon's teeth from which we will reap a terrible harvest through all the years to come. Conscription in peacetime means ultimately suppression of free speech. It means ultimately suppression of free press. During the World War we waged a heated debate on this Senate floor to prevent censorship of the press.

So, Mr. President, let us not delude ourselves as to the importance of this occasion. Some of our constituents and some of the newspapers are irritated by the apparent delay of this bill. I say that nothing good has been lost by this debate; and if the Senate is properly to function, to be a real Senate, it is a tribute to the courage and capacity of the Senate that it took its time on this question rather than allowed itself to be hurried.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. LUNDEEN. I should like to say to the Senator that I was absent from the floor of the Senate for a few minutes last evening at the time the unanimous-consent agreement was entered into. Had I been here, I would have made the first objection I have ever made in either House to a proposal to prevent unlimited debate on this question. So vital, so important, and so devastating will be this bill in American life, that so far as I am concerned I would have interposed an objection had I been present.

Mr. ASHURST. I am not oblivious to the fact that my opposition to this bill has offended some excellent citizens of Arizona. My opposition to this bill has given umbrage to

some old friends. But, Mr. President, were I to be a party to riveting shackles of militarism upon the American people, and superimposing upon the American people in time of peace, the damnable system of conscription which has devastated and ruined Europe, I could not hope for any peace with myself hereafter.

I may not have many years in the future; but I do not intend that, be they few or many, I shall be tormented and tortured all through my life by the knowledge, from which I cannot escape, that I helped to fasten upon a free people the most damnable despotism that a statesman can fasten upon a free people. I do not intend to have that specter walk side by side with me in the future.

Mr. President, this bill is supported by some of the ablest men in the Senate and in the country. When they come to reflect within a few months after their fever has abated and realize that they were hurried beyond necessity and hurried beyond the requirements of the hour, I venture the assertion that many if not most of those who vote for this bill will regret it, because they are men of conscience; and when the last hour comes and the last scene comes for them and they review their careers, they will say, "That is one vote I cast that I would recall if I could."

I said yesterday in private conversation, and I repeat here, that you cannot jump half way down Niagara. It cannot be done. When you call for conscripts in time of peace you suspend the civil rights of millions of your fellow citizens. When you call for conscripts and send men to bloody death for European nations that have fought for 3,500 years, when you presume that even engaging in another war would help to settle the affairs of Europe, your presumption is vain and futile. The business of Europe is war. Two hundred and sixty great battles have been fought upon the battlefield of Waterloo. Six thousand peace treaties have been made by European nations and not one has ever been kept—not one.

I repeat, whenever it is not necessary to do a thing it becomes necessary not to do it. This peacetime conscription is not necessary. The country, in its wise and in its calm moments, will not wish this. It will be followed by billions upon billions of dollars to be appropriated hereafter to maintain this huge, this mastodonic military machine copied from decadent Europe. Mr. President, when the men who have been drafted under this bill ask for their bonus, their pensions, and their hospitalization, will you then talk to them about the necessity of balancing the Budget? You cannot do it. This is the day and this is the occasion, if you are going to preserve the liberty of the American people, to do so. It is easy to remain in the harbor when there is a storm outside. It is not pleasant to oppose my fellow Senators on this matter in which they honestly believe and the most tragic part of this affair is that some Senators believe in this. Would to God they were insincere in their advocacy of this bill.

Mr. BURKE. Mr. President, I desire to say just a word. After listening to the fears expressed by the last two speakers—altogether unfounded fears, I am sure those who have studied this matter carefully will agree—I desire to present just one sentence from a resolution which was just delivered to me, a resolution unanimously adopted by the American Legion, Department of Nebraska, at its meeting a few days ago. I will not read the entire resolution, but will ask that it be printed in the RECORD. I present only this sentence, showing their view as contrasted with that of alarm for the freedom of our institutions expressed by the Senator from Arizona [Mr. ASHURST] and the Senator from Washington [Mr. SCHWELLENBACH]. This is what the American Legion, Department of Nebraska, unanimously said within the last few hours that they favor this selective-service measure as one "which will provide an orderly, predictable, efficient, and fair method for furnishing the manpower necessary for the full defense of our country."

Mr. President, that is all the bill provides. It provides an orderly, predictable, efficient, and fair method for the training of the manpower of our country. I offer these few remarks in order that they may stand in contrast with the wild alarm expressed by the Senator who has just spoken.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the American Legion has consistently advocated the passage of the Universal Service Act to be effective in time of war; and

Whereas present world conditions make imperative an immediate and substantial increase in our armed forces; and

Whereas the obligation to serve applies to all able-bodied citizens of the Republic regardless of age: Now, therefore, be it

Resolved by the American Legion, Department of Nebraska, That while we are unalterably opposed to conscription as a permanent peacetime policy, yet, in view of existing world conditions, we urge the immediate passage of legislation providing for universal registration of all male citizens of the United States between and including the ages of 18 and 65 years, and for a selective-service measure which will provide an orderly, predictable, efficient, and fair method for furnishing the manpower necessary for the full defense of our country.

Adopted unanimously.

Mr. ADAMS. Mr. President, I rise to make one statement.

The PRESIDING OFFICER. The Senator has spoken, but he has not consumed the aggregate of 15 minutes, so he is recognized for the rest of his time.

Mr. ADAMS. I desire to accommodate the Senator from Georgia and to yield to his argument. He said that the amendment which I offered to his amendment, which seeks to stop profiteering in the Ordnance Department of the Government, and to impose limitations, should not be added to his amendment. Therefore I temporarily withdraw my amendment, so that his amendment may be free from either the benefit or curse my amendment might offer to it.

Mr. RUSSELL. Mr. President, I wish to express my thanks for this manifestation of the usual fairness of the Senator from Colorado. I assure him I will support his amendment when he offers it later in the debate.

Mr. HALE. Mr. President, I am wondering what will be the immediate effect of the amendment offered by the Senator from Georgia on the immediate production of ships, arms, guns, airplanes, and munitions of all kinds, which everyone knows is of paramount importance to the country at the present time.

The occasion for the amendment was the refusal on the part of certain subcontractors to accept the terms offered by the Army and the Navy, on the ground that they could get higher pay under foreign contracts, under contracts with other branches of the Army than the air, and under contracts with private concerns.

Mr. President, we must not forget that contractors with the Navy, so far as ships and airplanes are concerned, and with the Army, so far as airplanes alone are concerned, are the only industries in the United States which are restricted by law as to the profits which are allowed. All other businesses can make any contract of any kind they desire to make, on any terms they choose, but contractors with the Army and the Navy are limited in the respect of which I have spoken.

What will be the effect of the amendment? I have felt that business has tried to help out in the present situation and has tried to do what it could to be of assistance in preparing the country for the national defense. They may not have succeeded in every case, but let me tell the Senate that the amendment which is offered is a notification to business that the Congress of the United States has very little confidence in it and feels that it is necessary to pass legislation which will make business take and like whatever we choose to put in legislation.

As I have said, our principal duty now is to prepare the United States. If we go to war, we will send our men to the front, and it has been said that because we are providing conscription of men we must have conscription of labor and business. That I deny.

If we have a war the manhood of the country is going to do the fighting, and principally the young manhood, because the young men are the ones who can do the best fighting. Are we helping these men if, in any way, we delay a program which will prepare this country so that we can give them adequate arms when they go to war? I think we should

consider that matter very carefully before we pass this amendment to which I am strongly opposed.

Mr. DANAHER. Mr. President, I should like to ask the Senator from Georgia or the Senator from Louisiana a question, if I may, with reference to their amendment. I notice that it authorizes condemnation proceedings to be conducted under the act of February 26, 1931. That appears in line 5, on page 2. Upon reference to the act one finds these words:

> Upon the filing of a declaration of taking the court shall have power to fix the time within which, and the terms upon which, the parties in possesion shall be required to surrender possession to the petitioner.

I believe that particular sentence of the original act is suspended by the terms of the pending amendment. However, with reference to the disposition of the claim of the interested party thereafter, the following language, I take it, does obtain:

> The court shall have power to make such orders in respect of incumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

Let me ask the Senator from Louisiana to assume the case of a manufacturer today, let us say, making all of the filters which are used in the hydraulic system of airplanes, and its oil-filter lines. Let us say he has contracts outstanding at this moment, 25 of which are with the Government and the rest are commercial, or private. The Government agency finds itself in some dispute with him as to whether or not, in the language of the Senator's amendment, the use or operation of the plant by him meets the satisfaction of some official—the Secretary of War or the Secretary of the Navy—and let us assume that that particular official condemns the plant of that particular manufacturer.

Will the Senator tell me what provision there is to protect that manufacturer against damage claims of private contractors with whom he is in privity? What steps, if any, does the amendment take to protect him against claims of those with whom he has legitimate contracts?

Mr. OVERTON. It seems to me that the contractor would not need any protection, so far as any statutory provision is concerned. If he is deprived of the power to perform by the exercise of the higher power of condemnation on the part of the Federal Government, he has a valid defense in any court of justice against any claim which might be made against him.

Mr. DANAHER. The Senator's position, as I understand it, is that the Government's power to take the plant is paramount, that by operation of law the contract would then be broken, and hence no claim for damages would arise out of the matter. Is that correct?

Mr. OVERTON. That is correctly stated.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. OVERTON], as amended, to the amendment of the committee.

Mr. RUSSELL. I should like to have the yeas and nays on the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. STEWART (when his name was called). I have a general pair with the Senator from Oregon [Mr. HOLMAN]. I am advised that if present he would vote as I intend to vote. I vote "aye."

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from North Dakota [Mr. FRAZIER], who is absent. If present he would vote as I shall vote. Therefore I am free to vote. I vote "yea."

The roll call was concluded.

Mr. BANKHEAD. I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. Therefore I withhold my vote. If at liberty to vote I would vote "yea."

Mr. MCKELLAR (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr TOWNSEND], which I transfer to the junior Senator from Mississippi [Mr. BILBO], and let my vote stand.

Mr. WHEELER. I announce that the junior Senator from Nevada [Mr. MCCARRAN] is necessarily absent. If present he would vote "yea" on this question.

Mr. THOMAS of Utah (after having voted in the affirmative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am informed that he would vote "yea," as I have already voted. I therefore let my vote stand.

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Georgia [Mr. GEORGE], and the Senator from Iowa [Mr. GILLETTE] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The result was announced—yeas 69, nays 16, as follows:

YEAS—69

Adams	Davis	Lodge	Schwartz
Andrews	Ellender	Lucas	Sheppard
Ashurst	Gerry	Lundeen	Shipstead
Austin	Gibson	McKellar	Slattery
Bailey	Glass	Mead	Smathers
Barbour	Green	Miller	Stewart
Barkley	Guffey	Minton	Thomas, Okla.
Bone	Hatch	Murray	Thomas, Utah
Bulow	Hayden	Neely	Tobey
Burke	Herring	Norris	Truman
Byrd	Hill	Nye	Tydings
Byrnes	Holt	O'Mahoney	Van Nuys
Capper	Hughes	Overton	Wagner
Caraway	Johnson, Calif.	Pepper	Walsh
Chandler	Johnson, Colo.	Pittman	Wheeler
Chavez	King	Radcliffe	
Clark, Mo.	La Follette	Reynolds	
Connally	Lee	Russell	

NAYS—16

Brown	Downey	Maloney	Taft
Clark, Idaho	Gurney	Reed	Vandenberg
Danaher	Hale	Schwellenbach	White
Donahey	Harrison	Smith	Wiley

NOT VOTING—11

Bankhead	Frazier	Holman	Thomas, Idaho
Bilbo	George	McCarran	Townsend
Bridges	Gillette	McNary	

So the amendment of Mr. RUSSELL and Mr. OVERTON, as amended, to the amendment of the committee, was agreed to.

Mr. HAYDEN. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 14, after line 25, it is proposed to insert the following:

> (d) The President is authorized to issue a call at any time after the date of enactment of this act, and another call at any time after January 1, 1941, for qualified men between the ages of 18 and 35 to volunteer for training and service for 12 months in the land and naval forces of the United States under this act. Each such call shall be for not more than 400,000 men. The President is authorized to induct into such forces for such training and service so many of the men who volunteer pursuant to such call as are not in excess of the number of men for whom the call was issued. If, upon the expiration of 60 days after the issuance of either of such calls, the President finds that the number of qualified men who have volunteered pursuant to such call is less than the number for whom the call was issued, he is authorized to select and induct into such forces such number of qualified men selected in accordance with section 4 (a) as, when added to the number who have volunteered pursuant to such call, will equal the number for whom he issued such call. Until the expiration of 60 days after the date of issuance by the President of the second call authorized by this subsection, no man shall be inducted into the land and naval forces of the United States under any provisions of this act other than this subsection.

Mr. HAYDEN. Mr. President, I shall be much obliged if the Chair will advise me when I shall have spoken for 10 minutes.

The PRESIDING OFFICER. The Chair will be glad to do so.

Mr. HAYDEN. Perhaps the best way to explain the amendment is to state what its effect would be if adopted and made a part of the bill. The amendment in no sense affects the bill as perfected up to this time by the Senate. It is not a substitute. It is a section proposed to be inserted at the beginning of the bill, and if the bill should

become law, with this section in it, the first thing the President of the United States would do would be to direct the registration of 12 million men between the ages of 21 and 31.

The next step the President would take would be to call upon the Governors of the various States to submit the names of the members of the local draft boards. That is the process which was followed during the World War. The Selective Draft Act became law on May 18, 1917. The first registration took place on June 5, 1917. The first number was drawn on July 20, 2 months and 2 days after the act became a law. The first drafted men went into the service early in September, or more than 90 days after the law was enacted.

My proposal is that, since the Army needs 400,000 men this year, the President shall take a third step. He shall issue a call for 400,000 volunteers immediately upon the approval of the act. It will undoubtedly take at least 60 days before anyone could be drafted into the Army under the terms of this act.

I say that because it took more than 90 days when our country was at war. The President is to issue a formal call for 400,000 volunteers, and if 400,000 men volunteer within the 60 days which it will take to set up the draft machinery, then it will be unnecessary for anyone to be drafted in order to obtain the number of men required by the Army this year.

Then, the amendment provides that after the 1st of January the President may issue another call. The Army tells us that an additional 400,000 men will be needed after the 1st of April 1941; so again there would be a period of 60 days within which volunteering again could take place, and if 400,000 men should volunteer, no one for the second time would be drafted. But if there should be a failure to secure 400,000 volunteers within the 60 days after the bill becomes law, then as soon as the draft machinery became available the President would ask that the number of men between 400,000 and the number who had enlisted, be selected by the selective system throughout the United States.

Again in January, another call would be made, and if during January and February 400,000 men should not volunteer, then the difference between 400,000 and the number who have enlisted would again be secured through the draft boards.

The merit of the amendment is that it will make absolutely certain that as many men will be in the Army as there would be if the draft took place, because as I have stated, the machinery could not be set up in any shorter time.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LODGE. Could the words "at any time" lend themselves to a postponement of the whole process of registration and selection and induction?

Mr. HAYDEN. No. I used the words "at any time," so that at any time after the bill becomes a law the President may issue the call.

The amendment does not provide that he shall do it the day he signs the measure, but that he will do it as quickly as he can. It depends upon how soon the Army needs drafted men. The Senator from Massachusetts is as familiar as I am with the fact that the Army can use only about 75,000 men on the first call, and then about 115,000 men on the second, and so on, until the first 400,000 men are obtained. At the present time I doubt that the first 400,000 men obtained in either way will be actually in the Army in January.

Mr. LODGE. I am very much in sympathy with the purposes of the amendment, and I think the idea the Senator has in mind is largely to clarify the possible situation that already exists in the bill and make it apparent to the people.

I was wondering about the words "at any time."

Mr. HAYDEN. Other words could be used. We might say that the President is authorized to issue a call after the enactment of this act. He could not do it before.

Mr. LODGE. Could we not say "immediately after"?

Mr. HAYDEN. He is authorized to do it. We could not compel him to do it if he did not wish to do it. In the same way, we cannot compel the Army to ask for men before they are needed.

Mr. LODGE. What would be the objection to saying "as soon as possible"?

Mr. HAYDEN. Those words would mean the same thing, in effect.

Mr. LODGE. Would the Senator object to modifying his amendment so as to make it read "as soon as possible" instead of "at any time"?

Mr. HAYDEN. I will accept that modification of the amendment, striking out "at any time" and inserting "as soon as possible."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. HAYDEN. Mr. President, I have explained the procedure to be followed but I might add one further thing. The same idea is embodied in the substitute proposed by the Senator from Connecticut [Mr. MALONEY]. The only difference is that the Senator from Connecticut has said 60 days, or January 1, whichever is the later—which means January 1, 1941. The objection could be raised that the selective service system might possibly be set up and ready before January 1, whereas my amendment says 60 days; and we know that it cannot be set up in less time than that. Of course, the amendment of the Senator from Connecticut is a part of a substitute for the entire bill. I have taken out of his amendment this one substantive matter, and I have made it apply both to the first call and the second call. His proposal was that it should apply to the first call for 400,000 men.

I reserve the balance of my time.

Mr. MALONEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHEPPARD. Mr. President, the amendment proposed by the Senator from Arizona would put an impossible burden upon the recruiting service of the Army. He proposes something which, in view of our experience, cannot be accomplished by the voluntary system alone. The recruiting service of the Regular Army now has a tremendous task confronting it, which will require all the time and effort it can put forth during the next 4 months. It must procure the number of men still required to bring the Regular Army to its authorized strength of 375,000 men. The Regular Army now has an actual strength of between 270,000 and 280,000. The objective of the recruiting service is to reach a strength of 350,000 by November 15, and 375,000 some time in December, and not later than January 1, 1941.

Obviously, since the recruiting service is straining its efforts to the maximum to secure 95,000 for the Army by January 1, next, it is hopeless to assume that the service can take on the much larger task of securing 400,000 training recruits by the same date.

If a volunteer system alone is adopted another recruiting set-up would have to be organized and personnel would have to be trained to carry out the work. What would be the result? Further delay in acquiring the trained reserve force so imperatively needed. Every day of delay now tends to place this country in the category of another France.

Years of study and research since the World War under the requirements of the National Defense Act of 1920 have enabled the General Staff to perfect an organization for a selective system, so that today it is in readiness for immediate operation as soon as funds have been made available by Congress; 45 days from the enactment of the necessary appropriation measure the first increment of trainees will be on their way to training.

The Senator cannot base a prognosis at this time on the experience of 20 years ago because the necessary committees of the General Staff have been giving the matter constant and careful study, and they say today that the entire machinery can be put into operation within 45 days through the combined volunteer and draft system.

To those who are opposed to the bill, either on the ground that the bill should not be passed in any form except in time

of actual declared war, or on the ground that the operation of the compulsory selective feature should be postponed and not used until the voluntary system is first tried and proven a failure, I desire to state with the utmost of sincerity that a study of past history and of the results of present recruiting efforts will convince anyone that the volunteer system operating alone will not procure the numbers of trainees required by the War Department plans at the times when they are needed and in the steady flow required.

The present War Department plans call for 400,000 trainees, commencing in October, with the total thereof to be procured prior to January. These 400,000 trainees are in addition to the numbers of men required to increase the existing strength of the Regular Army and of the active National Guard to their respective authorized strengths.

In addition to such trainees and the men required to bring the Regular forces and the National Guard to full authorized strength, the War Department plans also call for an additional 400,000 trainees next spring.

In addition to such trainees and the number of men required to increase the regular forces and the National Guard to their respective authorized strength, it is estimated that in order to maintain the Regular Army at its authorized strength approximately 12,000 additional men must be procured each month to fill vacancies occurring from customary causes.

In the important wars in which this Nation has engaged, and in which it has been so unfortunate as to rely solely on volunteering at the outset, disastrous results have occurred when in each instance the volunteer system operating alone failed to procure the necessary numbers of men. Present experience with volunteer enlistments, even with the volume of approximately 30,000 during July, or even with a doubling or triplings of such volume, indicates definitely that these enlistments would fail to produce the numbers and continued volume of men required by present plans, based upon the minimum requirements for an adequate defense.

In the name of the national defense, I ask that the amendment be rejected.

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

Mr. SHEPPARD. I yield.

Mr. HAYDEN. Does the Senator know how many men are now in the Army recruiting service?

Mr. SHEPPARD. About 2,000 men and officers.

Mr. HAYDEN. Only that many in the recruiting service?

Mr. SHEPPARD. Whatever the number is, it would have to be increased.

Mr. HAYDEN. That is the point I am getting at. Is it not customary to detail officers to the recruiting service for a certain period and then permit them to go back to their regular duty, and detail others? There are many, many comissioned officers in the Army who have had experience in the recruiting service. The same is true of noncommissioned officers.

Mr. SHEPPARD. The officers of the General Staff assure me that to put this additional burden on the Army would require a tremendous increase in the recruiting service, and would disrupt the plans for training. If additional officers were required for the recruiting service the training would be seriously interfered with.

Mr. HAYDEN. I cannot follow that reasoning.

Mr. SHEPPARD. I know the Senator cannot follow it. That is why he has offered the amendment; but I assure him it is the case.

Mr. HAYDEN. It seems wholly improbable that such could be the case.

Mr. SHEPPARD. The statement of officers of the General Staff is that it would disrupt and demoralize the training plans of the Army.

Mr. HAYDEN. The difference between the Senator and myself is that the General Staff states to him that it expects to do this work in 45 days. I allow 60 days. There is a difference of 15 days.

Mr. SHEPPARD. That is 15 days too long.

Mr. HAYDEN. I am not a betting man, but I should like to bet somebody a hat that there will be nobody inducted into the Army within 45 days after the bill is passed.

Mr. SHEPPARD. We cannot afford to bet upon the security of America.

Mr. BARKLEY obtained the floor.

Mr. MALONEY. Mr. President, will the Senator from Kentucky permit me, in his time, to ask the chairman of the Military Affairs Committee a question?

Mr. BARKLEY. I yield.

Mr. MALONEY. Does the Senator from Texas feel that the rush toward enlistment will be so great that the recruiting forces cannot handle it? Do I correctly understand him?

Mr. SHEPPARD. No. I say that the Army would have to resort to all sorts of alternatives and emergency measures to obtain the required number of enlistments. It would be compelled to take men who really ought not to enlist. I did not say there would be a rush toward enlistment. I said the officers would be put to such effort to obtain the additional men that in the first place they could not get them, and in the second place, the work of training would be demoralized.

Mr. MALONEY. Will the Senator point out to me wherein the danger lies in the amendment?

Mr. SHEPPARD. I am telling the Senator that it lies in the voluntary system itself.

Mr. MALONEY. Are the Army officers afraid that enlistments will come too fast?

Mr. SHEPPARD. Not at all. They are afraid they cannot obtain the additional number required.

Mr. BURKE. Mr. President, I will say to the Senator that the vice which was pointed out by the chairman of the Military Affairs Committee is that if the amendment were adopted, the entire recruiting machinery would have to be changed. Even if the results obtained were nil, recruiting offices would have to be established from one end of the country to the other, because the President would issue his call. Even though we should be disappointed a little later, when the recruits do not come in—as everyone knows they would not come in sufficient numbers—we would have all that wasted effort while the matter was under way.

Mr. MALONEY. Mr. President, I should like to point out that the argument now being made is that the Army has not the machinery set up to accept volunteers, and it is very fearful, if we are to believe what we are now told, that if it should set up such machinery the rush of volunteers would be so great that there would be a stampede.

Mr. BURKE. Of course nothing of the kind is true, because the Army has a recruiting service geared to the number that are coming in, which was an average of 6,000 a month during last year. Certainly that number will be increased with the threat of possible compulsion at the end of 60 days. Let us say we want 400,000 men. The President is going to call for 400,000 within a very reasonable time, 75,000 first, perhaps, or whatever the number may be—and the calls will probably be spread out—and so immediately the recruiting section of the Army must set up its entire establishment.

The Army cannot be in the position of the congregation who went to a prayer meeting, after the preacher announced he was going to pray for rain, and who were sent home, the preacher saying, "Not one of you brought your umbrellas or rubbers." It will have to act on the assumption that there is a possibility that recruits will come in in the number required, and set up the machinery on that basis; and then when the volunteers do not come in, disband the machinery and go along on the entirely different line of selective service.

Mr. TYDINGS. Mr. President, regardless of the position of any Senator on this amendment, as to whether he thinks it is wise or unwise or the right or wrong thing to do, I cannot find anything from reading it which shows that the recruiting force would be any larger than the recruiting force that now exists. There is nothing in the amendment that says the recruiting force shall be increased to two or three times its present size. All the amendment says is this:

The President is authorized to issue a call at any time after the date of enactment of this act, and another call at any time after

January 1, 1941, for qualified men between the ages of 18 and 35 to volunteer for training and service for 12 months in the land and naval forces of the United States under this act.

Obviously, there would not be any more recruiting officers or recruiting sergeants under this amendment of the Senator from Arizona than we now have unless the Army wanted to assign more men to the recruiting service.

As I understand what the Senator from Arizona is attempting to do—and I should like to be advised if I am wrong—is this: The Senator says that many persons feel that if an effort is made to get recruits they will come in sufficient number and that it will not be necessary to enact a conscription bill. I myself have heard that point of view expressed on the floor.

Whether it is so or not, no one knows. Some think it is possible to get the volunteers and some think it is not possible to get them. So what happens under the amendment of the Senator from Arizona? As soon as the bill is passed and the President issues a call for volunteers in the number that would be drafted if there were no volunteers. For example, if on the 1st of November 400,000 men would be drafted and inducted into the service, immediately upon the passage of the bill the President would ask for 400,000 volunteers, as I understand. If 400,000 volunteers should enlist between the signing of the bill and the 1st of November, nobody in the country would be drafted. If 200,000 volunteers should enlist within that period, then there would be 200,000 men drafted to make up the 400,000; and if no volunteers should come in that period, there would be 400,000 drafted. But, as I understand, in neither case would there be 1 day or 1 hour or 1 minute's delay in getting the 400,000, whether the Senator's amendment should be adopted or not. If I am wrong about that, I should like to be advised, for that is the way I understand the amendment.

Mr. HAYDEN. Mr. President——

Mr. BURKE. If I may, I should like to answer the question before yielding.

I think the Senator is entirely wrong about it. There is not a single meritorious thing in this amendment which cannot be accomplished under the bill as it now stands, with its provision for the encouragement of voluntary enlistment not only between the ages of 21 and 31, but between the ages of 18 to 35, for 1 year, with higher pay, and all that. So there is all the encouragement to voluntary enlistment contained in the pending bill without this amendment. But instead of putting off the time when we are to decide whether we shall apply the selective process, as would be done under the amendment, we apply it at once; we make the decision now. That is the vital difference, and no one who believes thoroughly in the principles of the bill as reported by the committee could support this amendment, the Maloney amendment, the Walsh amendment, or any of the other amendments that are of the same stripe but colored a little differently to appeal to different people.

Mr. TYDINGS. Mr. President, will the Senator yield there?

Mr. BURKE. Yes.

Mr. TYDINGS. Then, if I have the floor, I will yield to the Senator to answer.

When the Senator from Arizona discussed this matter with me yesterday afternoon, I brought up the objection which the Senator from Nebraska is now urging, namely, that to postpone this whole thing until January, if we feel defense is necessary, would be a fatal error; that, if it is necessary, the machinery ought to be put into effect at once. The Senator from Arizona, as I understand—and I have read it in a rather hasty fashion—has so framed his amendment that 400,000 men would be obtained either as volunteers or by draft in the same period they would be obtained under the bill as written without the amendment. In other words, the call goes out for volunteers at the same time the call goes out for 400,000 to be drafted. If, in the interval between the call and the actual day of draft, 400,000 men should volunteer, then, there would be no men drafted, because there would be obtained the number of men who could be handled in that time.

Mr. SHEPPARD. The Senator says 60 days must elapse?

Mr. TYDINGS. No; I do not understand it that way.

Mr. HAYDEN. The amendment provides for 60 days.

Mr. TYDINGS. Let me explain that, and see if I am wrong. The 60-day provision, as I understand it, springs from this situation: It will take some time after this bill shall have been passed for the governors of the States to set up their draft boards in each of the counties, in Baltimore City, for example, my own State; and that is true in the other States. After that is done, numbers have to be drawn, men have to be called up to register, each man gets a number, and he finds out whether he would be in the first, second, third, fourth, or fifth draft, for example. That will take—and there is no way it can be shortened—days and weeks, at least, and possibly, 2 months, as I understand.

Mr. SHEPPARD. It will take 15 days, the experts say.

Mr. TYDINGS. I do not doubt that the experts say 15 days, but my own opinion is—and I think the experience of the World War is—that they will be lucky if they get it in twice 15 days.

Mr. BURKE. Mr. President, I think I have yielded the floor to the Senator. Will the Senator from Maryland yield it back to me?

Mr. TYDINGS. Let me finish this statement; then I will yield.

Under the amendment of the Senator from Arizona, I think the 60-day provision would be the time consumed from the passage of the bill in putting the draft machinery in motion. Therefore there would be no delay in the draft, as I understand. I now yield to the Senator from Arizona.

Mr. BARKLEY. Mr. President, I do not know who has the floor.

Mr. BURKE. The Senator from Maryland has it, as I understand.

Mr. TYDINGS. I yield to the Senator from Kentucky.

Mr. BARKLEY. The mistake the Senator from Maryland makes is that there is no authority to set up draft machinery during that 60 days, and there would be no use to set it up if 400,000 men should volunteer during the 60 days; so they would have nothing to do. The President cannot set up the draft machinery under this amendment until 60 days shall have expired, and he will have to wait until he finds that 400,000 men have not volunteered.

Mr. BURKE. Mr. President, if the Senator from Maryland will yield to me, that is what I wanted to say to him. When the Senator from Maryland says that under this amendment, if adopted, there are two things which would happen right away—the President would issue a call for 400,000 volunteers, and the selective-draft machinery would be set up at the same time—he is reciting what would happen if the bill should be adopted without this amendment and not what would happen if the amendment were adopted.

What would happen if the amendment should be adopted is that the President would issue his call. Then for a period which the Senator from Arizona fixes at 60 days, because he thinks it would take that long to get the machinery set up, we would wait to see whether it will be necessary to have any selective system at all. I think we ought to make a decision right now that we are going to have the selective-service system, and let the volunteers come in under the provisions of this bill just as abundantly as they will, and cut down the number that need to be selected under the selective-service process.

Mr. TYDINGS. Of course, if what the Senator from Nebraska says is the correct interpretation of the amendment which I hold in my hand, I would agree with him, but let me read the amendment itself:

If, upon the expiration of 60 days after the issuance of either of such calls——

Mr. BURKE. That refers to the two calls, the one for 400,000 men and the one afterward on the 1st of January for 400,000 more—not the two things happening now.

Mr. TYDINGS. Let us assume that.

Mr. BURKE. That is the fact.

Mr. TYDINGS. I proceed with the reading of the amendment—

the President finds that the number of qualified men who have volunteered pursuant to such call is less than the number for whom the call was issued, he is authorized to select and induct into such forces such number of qualified men selected in accordance with section 4 (a) as, when added to the number who have volunteered pursuant to such call, will equal the number for whom he issued such call. Until the expiration of 60 days after the date of issuance by the President of the second call authorized by this subsection, no man shall be inducted into the land and naval forces of the United States under any provisions of this act other than this subsection.

In other words, when the President says, after the first call, that he wants 400,000 more men, it will take some time to get those 400,000 men by the selective-service plan before the camps are provided, before the original 400,000 have moved on; and therefore, within 60 days after he notifies them that he is going to have a second draft, he shall again try to get volunteers; but, as I read this amendment, there is not a single day's delay. Like the Senator from Nebraska, I do not believe we shall get 400,000 volunteers. I do not believe that a large percentage of 400,000 volunteers are going to come forth; but I have heard Senators on this floor say that the volunteer system is the thing. Obviously——

Mr. LODGE and Mr. TAFT addressed the Chair.

The PRESIDING OFFICER (Mr. MILLER in the chair). Does the Senator from Maryland yield; and if so, to whom?

Mr. TYDINGS. When I finish the sentence I will yield, first to the Senator from Massachusetts and then to the Senator from Ohio.

As I say, I have heard Senators say that the volunteer system is the thing. Obviously time is a factor in this whole equation. If it were not for the time element, we should not be even discussing this matter. Therefore the Senator from Arizona has so shaped his amendment, as I understand it, that whether the men come in and volunteer in whole or in part, or are drafted in whole or in part, the same number of men will be available for training on the same day as would be the case if the amendment were not offered and the conscription bill should go through as now written.

I now yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, what does the able Senator from Maryland conceive to be the difference between this amendment and that proposed by the Senator from Connecticut [Mr. MALONEY]?

Mr. TYDINGS. The Senator from Connecticut, as I understand his amendment, proposes to postpone the whole thing until January 1. That is, there would be no conscription at all prior to January 1; and during the interval between the present time and January 1 the volunteer system would have its trial of furnishing the necessary men.

Mr. LODGE. This is simultaneous.

Mr. TYDINGS. Under the amendment of the Senator from Arizona [Mr. HAYDEN], immediately upon the passage of this bill, and even before the draft boards were set up, the President would issue a call for 400,000 volunteers. If 400,000 volunteers should come in between now and the actual time that the tentative draftees were called into service, the draftees would be notified that they need not come, because 400,000 other persons had volunteered; but if the volunteers did not come the draftees would be drafted in whole or in part to make up the 400,000, and would be available just the same as if the amendment of the Senator from Arizona had not been adopted.

Mr. HAYDEN. Exactly.

Mr. TYDINGS. Do I clear up the Senator's question?

Mr. LODGE. Yes; that clears it up, and confirms my own impression. I desire, however, to ask another question.

On August 9, the distinguished chairman of the Committee on Military Affairs, when he was explaining the bill, stated that this bill combines the voluntary and the compulsory systems. How does the amendment of the Senator from Arizona differ from the present language of the bill?

Mr. TYDINGS. It does not differ at all, except in this respect: The point of view has been expressed that perhaps none of this is necessary; that with a little more ingenuity and a little more effort, and perhaps with an increase in pay, and other things, the volunteer system will work. On the contrary, many Senators, including myself, feel that the volunteer system might work if we had 2 or 3 years in which to work it, but that it is quite unlikely that we can get volunteers in sufficient quantities in a short period of time. If the amendment of the Senator from Arizona is adopted, it will be a wide-open invitation to come in and volunteer in response to an official call by the President of the United States. Every inducement will be there for the man who wants to volunteer to come forth, and as he does come forth it will be unnecessary to draft men who, perhaps because of their jobs or their education or some other feature, might like to volunteer, but feel a reluctance to do so.

It seems to me that if the amendment of the Senator from Arizona is adopted we shall dislocate or discommode the life of the country as little as is possible in these exigent circumstances.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I promised to yield to the Senator from Ohio.

Mr. TAFT. The Senator states the argument, as I understand, that we can do this thing under the bill as it is; but if we adopt this amendment, 2 months from now it may be said, "We tried the volunteer system and it failed."

Mr. TYDINGS. That is true.

Mr. TAFT. That is why I am against this amendment and against the amendment of the Senator from Connecticut [Mr. MALONEY], because they are simply advanced as a means of proving that the volunteer system will not work. As a matter of fact, of course it will not work under those conditions. There is not a chance in the world for it to work.

The Senator from Texas has explained that the recruiting force of the Army will be fully occupied in setting up the draft. They will not have the time to do the other thing right. It cannot be done, anyway, because the Army will say, "What is the use of worrying with the volunteer system? Sixty days from now, just as soon as we can do it, anyway, we are going to draft the men. Why make any real effort?" There will not be a sincere effort to put the volunteer system into effect; and I can see that unless we do go out and make that effort it will not work. Consequently I say that those who believe that the volunteer system can work if properly handled, can work if a sincere effort is made to do it, should vote against this amendment.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TYDINGS. Just a moment.

I do not agree at all with the Senator from Ohio. In the first place, the recruiting service of the country has nothing at all to do with the draft. The Senator said it would be occupied in the draft. The recruiting service has nothing to do with the draft.

Let us put it another way. Let us assume that in the 60-day period, in accordance with the call of the President, only 75,000 men volunteer in the whole country. If they volunteer at the rate of 75,000 every 2 months, that means what? That means that only 450,000 would volunteer in an entire year. In other words, getting 75,000 in 60 days, it would be a year before we could raise an army of 450,000 men.

At least we can take the percentage of volunteers who come in during the 60-day period in response to the President's invitation to volunteer; and I am as firmly convinced as I can possibly be that the volunteer system is not going to work in times of peace in this emergency. Men are not going to volunteer and give up their jobs when their country is not at war. That is the reason why we shall not get as many volunteers today as we should get if we were actually in war. Men are not able to give up their positions and to discommode their lives, except when they know that the country is actually in war. I am, therefore——

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. Let me finish this sentence, and then I will yield. I am, therefore, confident that the volunteer system will not work; but I am perfectly willing to give it all the opportunity that it will be possible to give it without slowing down the program.

Mr. WHITE, Mr. TAFT, and Mr. BURKE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maryland yield, and, if so, to whom?

Mr. TYDINGS. I yield first to the Senator from Maine. Then I will yield to the Senator from Ohio and to the Senator from Nebraska.

Mr. WHITE. Mr. President, I desire to ask a question, and in doing so I wish to emphasize the fact that I am not making an assertion.

As I understand the Hayden amendment—I have had an opportunity to give it only a very hasty reading—it provides for periodic calls for volunteers, no call to be for more than 400,000 men. Then it says that if, after the expiration of 60 days, the President finds that the number of qualified men who have volunteered pursuant to such call—that may mean the first call as well as the last call—is less than the number for whom the call was issued, he is authorized to select and induct such number of men as, when added to the number who volunteer, will bring up the total to 400,000 men.

Mr. TYDINGS. That is correct.

Mr. WHITE. Now I ask this question: Assume that the first call for 400,000 men goes forth, and 350,000 volunteer. Then the President is authorized to select and induct into the service 50,000 men.

Mr. TYDINGS. That is correct.

Mr. WHITE. I raise the question whether——

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine is recognized in his own time.

Mr. WHITE. Then, proceeding, if that deficiency of 50,000 men appears upon the first call, and the President then inducts 50,000 men into the service, I raise the question whether he has not under this draft of the amendment as it now stands not only exhausted his authority, but there will be no right in the President thereafter to induct men into the service when deficiencies appear upon subsequent calls for volunteers. That is not the language, but I think that is the result which would follow.

Mr. TYDINGS. I do not agree with the Senator from Maine in his deduction, but it is perfectly possible that such a construction might be put on the amendment. It is the intention of the author and myself—and I cooperate with the author in this amendment—that in each separate call the number of volunteers shall be charged against the number called originally.

Mr. WHITE. I assumed that was the purpose, but I do have a very definite question in my mind whether the proposal does not fail to effectuate the purpose the Senators have in mind. I very much question whether, if on the first call the President exercised his authority, there would be any power thereafter to exercise the power of induction.

Mr. TYDINGS. If on careful thought the Senator's point of view could be reasonably maintained, the amendment could be easily corrected subsequently. I know that the author of the amendment has no such aim in mind, and I do not think the wording indicates such a meaning. If such interpretation could be put on it, in my judgment it could be corrected very easily when we came to formulate the provision finally.

Mr. HAYDEN. What I have in mind is the practical situation. The Army says that it wants 400,000 in 1940 and 400,000 in April 1941. Congress is providing for those men in increments. The Senate has also put a ceiling of 900,000 inducted in the bill. That means that if after the first and second calls some other men are required, the ceiling must be changed. We will have to replace the number of men in the National Guard when they go home. There will be another Congress here next January to correct any difficulties which arise. This is not to be a permanent statute for all time to come.

Mr. WHITE. But it is a statute designed to meet an immediate situation.

Mr. HAYDEN. Exactly.

Mr. WHITE. It struck me that if there was any force in the question I raised, correction should be made now rather than at some subsequent time.

Mr. BARKLEY obtained the floor.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BARKLEY. I wish to speak without interruption, but I will yield to the Senator, inasmuch as he was on the floor seeking recognition.

Mr. BURKE. I desire merely to say, in reference to the argument presented by the Senator from Maryland, that he presented very conclusively and effectively the argument for the selective service draft, and that the volunteer system would fail. I merely call his attention to the fact that when he interpreted the Hayden amendment as meaning that upon its adoption the President would do two things—issue a call for 400,000 volunteers and at the same time set up the drafting machinery for 400,000 selective service men—he was not interpreting the amendment correctly, because that would not happen. The only thing to be done, first, would be to issue a call for 400,000 volunteers. Then he would wait 60 days before he would take the next step.

Mr. HAYDEN. Oh, no.

The PRESIDING OFFICER. The Chair recognized the Senator from Kentucky.

Mr. BARKLEY. I ask that I may not be interrupted until I have concluded what I desire to say. I make the request in order to be fair to all Senators, and in view of the fact that interruptions frequently take up more time than a Senator has at his disposal.

The pending amendment is an effort, in another guise, to try to superimpose for the time being a voluntary system instead of the selective draft system provided for in the bill.

I am one of those who believe that if there is any need for this legislation the need exists now. We say we are in favor of preparedness, but—we are in favor of it with reservations. We are like the man who said he was in favor of law, but was against its enforcement. The situation reminds me of the preacher who said to his congregation:

> Repent ye—in a measure. Ask forgiveness of your sins—to some extent. Or you will be damned—more or less.

[Laughter.]

I regret I have to oppose the amendment offered by the Senator from Arizona [Mr. HAYDEN], because the Senator from Arizona and I are devoted friends, but, in a matter of this sort, there is nothing personal either in opposing or in supporting an amendment. Under the law as it will be written in accordance with the pending bill, while the President will be authorized to receive volunteers between the ages of 18 and 35, the receiving and the induction of those volunteers will be simultaneous with the exercise of the authority conferred under the bill to draft the men into the service. Those things will go on at the same time; and it is expected that by the 1st of January 400,000 men will be inducted into training.

I do not think anyone can dispute the fact that under the amendment of the Senator from Arizona not a step could be taken toward drafting anyone until 60 days had elapsed from the date of the issuance of the proclamation of the President.

Let us suppose the bill becomes a law on the 15th day of September—and I think that may be as early as we may expect it to be signed, because it has to go to the other House and be passed and perhaps go to conference. Let us suppose, however, the bill will become a law on the 15th day of September. Let us suppose that on that very day the President issues a proclamation calling for 400,000 men. During the 60 days following that date he could not draft anyone, under the terms of the amendment, and it would be silly to set up draft boards all over the country and have them sitting around 60 days doing nothing and incur the expense in connection with them.

If the 60 days expired before the President could draft anyone, it would mean that he could not draft into the service anyone who was registered until the 15th day of November. Of course, that would be after the election, and if anyone is politically minded that might appeal to him. But, in

view of the fact that the President of the United States, who is a candidate for reelection, has announced that he is in favor of the proposed law now, and that he wants it to take effect now, and not in November or December, and in view of the fact that the Republican nominee, Mr. Willkie, was frank enough to state in his acceptance speech, as well as in an announcement yesterday in the press, that he is in favor of the bill now, and wants it passed now, it seems to me the Senate of the United States should be as courageous as the President and the man who is trying to become President.

I do not think anyone can dispute my interpretation. Let us suppose that on the 15th day of November, under the call of the President, 100,000 of the 400,000 men should volunteer. I do not believe there would be that many. I do not think there is anyone in the Senate who believes there would be that many, including my friend the Senator from Arizona, the author of the amendment; but let us suppose that up to the 15th day of November only 100,000 should volunteer. That would mean that we would have to set up the draft machinery and draw from those who had registered 300,000 men. We could not do that between the 15th day of November and the 1st day of January. The result would be that when the 1st day of January came, the day when the Army expected to have 400,000 men for the purpose of training them, having the facilities ready for training them, they would not have them. It might be the 1st of February; it might even be the 1st of March before they would get 400,000 men.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I do not care to yield until I finish my remarks, and I will have to treat all Senators alike.

So, I say that if the amendment shall be agreed to it will be entirely possible and probable that after January 1, 1941, we will not start to draft and cannot start to draft the other 400,000 who are to be drawn into training by the 1st of April, because we will be trying to get the first 400,000 provided for under the plan of the War Department, to draw them in in increments of 400,000, to train them beginning the 1st of January, and then another 400,000 beginning the 1st of April.

It therefore seems to me that there is not much difference between the proposition upon which we are now called upon to vote and those we have already voted on, attempting to postpone in some way, to hamper, or to modify the plan to draw these men into training now, not 60 days from now, not the middle of November.

I realize that it is perhaps desirable to put this matter off a little while so that no one will be offended. I recall a passage in the eighth chapter of the Gospel according to St. Mark, the thirty-sixth verse, where Christ propounded a question that has stood out like a promontory from that day to now:

> What shall it profit a man if he shall gain the whole world and lose his own soul?

What shall it profit a political party, what shall it profit a candidate for office, to gain an election, if thereby he endangers his country, or possibly even ruins his country?

Mr. President, I hope the amendment will be defeated. I regret to say that, because I know how sincere the Senator from Arizona is, and I know how diligently he has worked on it in collaboration with a number of other Senators with whom he has conferred about it. Notwithstanding all that, it seems to me the adoption of the amendment would endanger the entire program, and would serve notice on the country that, while we are in favor of defense and preparation, we are willing to put it off as long as possible, in the hope that the romantic and adventurous young spirits of our Nation will either by propaganda or by allurements or by ridicule or by some other means be induced to rush forward and volunteer and do the fighting for our country, while others, not knowing it is their duty, hesitate, and do not come forward until their Government calls upon them, and advises them that it is their duty to serve their country.

Mr. President, as I stated last night, if I felt certain, in an emergency, that all of the 400,000 could be drawn from volunteers and all 800,000 could be drawn from volunteers, I would oppose the volunteer system, because I think it is the wrong way to raise an army. I do not believe it endangers our democracy to raise an army in the way proposed in the bill. It has not endangered any democracy that ever existed. We can go back into history and find that Greece and Rome in their glory and in their prestige and the height of their power had citizens' armies. Athens, a city of 38,000 male citizens, had a free citizens' army of 28,000. No slave was called into service. The great battle of Marathon, which was one of the greatest battles of history, was fought by a citizens' army, when Miltiades defeated an overwhelming force under Datis, who was a lieutenant under Darius of Persia.

It will be found that under the Roman Empire every free city had its own citizens' army, and no one was required to serve unless he had 6 acres of land.

Greece and Rome began to decline and fall only when, because of their wealth and luxury and power, they resorted to professional armies, and abolished their citizens' army.

In the modern sense, conscription began with the revolution in France, where that trinity of virtues—liberty, equality, and fraternity—found its beginning, and only in the nations that were at war with France was conscription finally resorted to in order that they might have a chance to stand up against the armies of the French.

Not only that, but one can go back into Biblical history. In less than 2 years from the time when Moses led the Children out of Egypt the Lord commanded him—not Roosevelt, not Stimson, not Sheppard, not General Marshall, but the Lord commanded Moses to take a census of all men over 20 years of age, and when those men had been counted it was found that in 11 tribes of Israel 603,550 men were eligible for military service. The men were counted in all the tribes of Israel except the Tribe of Levi, which was commanded to look after the temple.

Mr. President, that is the first instance of selective service in the history of the world.

So it is not true that this sort of law is destructive of democracy. It has been, in many ages in the world's history, the creator of democracy, and has sustained it.

Certainly there is no autocracy in Australia or New Zealand. Certainly there was a democratic form of government in France. Certainly there has been no instance in which the use of the services of men who were qualified for service, on a basis of equality, has resulted in destruction of the democratic ideal. So I am not afraid that our democracy will be destroyed by the enactment of this legislation. I want it preserved, and I want it preserved by equal service on the part of everyone who is qualified to serve.

Therefore I hope the amendment of the Senator from Arizona will be defeated.

Mr. CONNALLY obtained the floor.

Mr. BONE. Mr. President, will the Senator from Texas yield to me so that I may ask a question?

Mr. CONNALLY. I am pressed for time. I will yield when I get along in my remarks a little way. I do not know how much time I shall have.

Mr. President, I regret very much that I am compelled to oppose the amendment, because the Senator who is its author is a friend of mine of many years' standing, and for him I have the highest esteem. I am opposed to the amendment because it runs counter to every theory of the bill. I am opposed to the amendment because, while we ought to be getting an army now, not next year, the amendment will afford a device for delay and temporizing. We are going to play with the volunteer system, we are going out with banners and with appeals to men to enlist, to try to work up enthusiasm, and with the draft hanging over the men, eventually we will high-pressure many young men to volunteer, when perhaps under the draft they would not be eligible or would not be called into service.

The Senator from Kentucky [Mr. BARKLEY] referred a moment ago to democracy. True democracy teaches the obligation of service as well as that the citizen shall be the recipient of protection and privileges under our constitutional system. It is a poor kind of democracy which permits some men to stay at home and enjoy profit and comfort and ease, while other men are called upon to go out willingly under the voluntary system to fight perhaps, and perhaps to die, in order that other gentlemen may remain at home in comfort and ease and security.

Mr. President, I shall not vote to provide any bomb-proof shelters at home for the man who will not perform his duty, and provide the one who is willing and who volunteers, a grave on some battlefield.

Let us now consider the amendment. Every power that any government on earth possesses is possessed by the United States of America. We are just as sovereign in respect to any governmental processes as any other government on the globe. Let me say that if democracy cannot find a way, both at home and upon the battlefield, of utilizing the supreme power which other nations employ, then there is no future for democracy. If it cannot employ every resource of men, and of money, and of materials, and of equipment, that any totalitarian or monarchistic system can employ, then there is no hope for democracy, because ultimately, somewhere, somehow, the powers which can exercise these tremendous agencies will triumph over democracy.

Mr. President, there is nothing more fundamental or more basic in political philosophy than that every nation, every government, possesses the inherent power to protect itself. It possesses the inherent power to provide for its own survival, its own preservation, and its own life. The makers of the Constitution recognized that. They had been through the War of the Revolution, with its short enlistments, with no central authority that could conscript men, with no central authority that could conscript money to carry on a war, and so they set up in the Constitution such a central authority, and they gave to Congress—what? The power to raise and support armies. That power rests nowhere but right here in the Senate and in the House of Representatives.

With that power comes the responsibility. We are responsible for the kind of army we raise. We have no right to shunt that responsibility onto the shoulders of the volunteers alone. We have no right to take from one man's shoulders an obligation and put it on the shoulders of another man by urging, and by appealing to his chivalry, his patriotism, and his bravery. If, in this Republic, there is any responsibility for military service upon a single citizen, then the responsibility rests equally upon the shoulders of every citizen.

We do not draft young men until they are 21, but under the amendment there will be efforts to agitate and influence them. It does not read that way, the language does not so provide; but that is what will happen. Young men 18 years of age will be urged to rush off and join the Army, to join the colors under the pressure that—"If you do not come now you are going to be drafted later on to go." They will be under the lashings of their acquaintances and friends, and the whisperings in the neighborhood that "Bill Jones is a slacker; he is 19 years of age; he is not married; he ought to volunteer."

Senators know what impulsive enthusiastic youths will do in such circumstances. But there will not be enough of them even then. The desired quota will not be obtained under the amendment. Every Senator who is familiar with the history of recruiting in recent years knows that to be true.

Let me ask another question. Where will these men come from? I have some records here of recruiting during the present year. It is not a sectional matter and I do not want to inject sectionalism into it. We are here to legislate for the whole Nation. We are here as agents of the Nation. But if there is any obligation resting upon anybody to be trained and upon anybody to fight, that obligation rests upon every section of this Republic.

Let us see the percentage of enlistments by States for the months, January to June 1940, calculated on the basis of the male population over 21 years of age, 1930 census.

The State that heads the list is North Carolina, with a percentage of 0.0045 of the whole male population joining the Army.

Kentucky follows next with 0.0042; South Carolina, 0.0042; Texas, 0.004.

Mr. President, I shall not read all the figures, but let us see where some of the States stand. Let us see what Montana is doing toward volunteering. The figure for Montana is 0.00163, less than half the percentage for North Carolina, and about half the figure for a number of other States. The Senator from Montana [Mr. WHEELER] is one of those who want to rely upon volunteers; but they are not coming very largely from Montana.

What about Missouri? Missouri is a great old State. The figure for Missouri is 0.0011, a little less than one-fourth of the figure for North Carolina.

I do not see the Senator from North Dakota. The Senator from North Dakota wants the volunteer system. He is strong for it. The figure for North Dakota is 0.0011.

The Senator from Ohio [Mr. TAFT] is strong for the volunteer system. How are the volunteers coming from Ohio? Ohio has a figure of 0.00093. Mr. President, where are the men who are rushing to the colors? We hear statements about "a million men flying to arms." They are flying, but they are not flying to arms. [Laughter.]

The Senator from Minnesota [Mr. LUNDEEN] is very strong for the volunteer system. The figure for Minnesota in this table is 0.00084. There must have been three or four volunteers from Minnesota. [Laughter.]

Mr. President, in order to be fair to all Senators, I ask unanimous consent to have these figures printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Percentage of enlistments, by States, for the months of January to June 1940, calculated on the basis of the male population over 21 years of age (1930 census)

State	Percent	Men per 1,000
North Carolina	0.0045	4 5/10
Kentucky	.00422	4 2/10
South Carolina	.0042	4 2/10
Texas	.004	4
Georgia	.00386	3 9/10
Tennessee	.0037	3 7/10
West Virginia	.0034	3 4/10
Wyoming	.0033	3 3/10
Virginia	.0033	3 3/10
Oklahoma	.0033	3 3/10
Alabama	.00325	3 2/10
Colorado	.003	3
Pennsylvania	.0026	2 6/10
New Mexico	.0026	2 6/10
Florida	.00257	2 5/10
Idaho	.00248	2 4/10
Oregon	.0024	2 4/10
Maine	.00238	2 3/10
Mississippi	.00224	2 2/10
Arkansas	.00216	2 1/10
Vermont	.0021	2 1/10
Arizona	.00203	2
Louisiana	.00191	1 9/10
Washington	.0019	1 9/10
Utah	.0018	1 8/10
Kansas	.00176	1 7/10
Rhode Island	.0017	1 7/10
New Hampshire	.0017	1 7/10
Montana	.00163	1 6/10
Nebraska	.00162	1 6/10
Massachusetts	.00153	1 5/10
South Dakota	.0015	1 5/10
Indiana	.00144	1 4/10
Delaware	.00142	1 4/10
California	.0014	1 4/10
Maryland	.0014	1 4/10
Wisconsin	.0013	1 3/10
Connecticut	.0013	1 3/10
New York	.0013	1 3/10
District of Columbia	.00114	1 1/10
Illinois	.0012	1 2/10
Nevada	.00119	1 1/10
Missouri	.0011	1 1/10
North Dakota	.0011	1 1/10
New Jersey	.0011	1 1/10
Iowa	.00094	9/10
Ohio	.00093	9/10
Minnesota	.00084	8/10
Michigan	.0008	8/10

NOTE.—The fractions indicate the number of men enlisted per thousand men.

Mr. CONNALLY. Volunteers are coming from certain sections of the country. North Carolina, Kentucky, South Carolina, Texas, Georgia, Tennessee, West Virginia, Wyoming, Virginia, Oklahoma, and Alabama are the States which head the list.

Let us see about the great State of Michigan. I believe the senior Senator from that State [Mr. VANDENBERG] is strong for the volunteer system. The figure for Michigan is 0.0008, the lowest figure of any of the States. Michigan is a great, rich State, with a large population.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LUCAS. I confess that I do not follow the Senator in relation to the figure of eight-tenths of 1 percent, or whatever it is.

Mr. CONNALLY. There is a decimal point there. Does the Senator see the decimal point? [Laughter in the galleries.]

Mr. LUCAS. I do not see it.

Mr. CONNALLY. I will explain it to the Senator. There is a decimal point, three naughts and an eight. What does that mean? That means eight ten-thousandths, does it not?

Mr. LUCAS. What I am trying to ascertain, so that the Senate may obtain a clear picture, is how many men out of every 1,000 enlisted in the State of Michigan and in the other States.

Mr. CONNALLY. That is what I am trying to tell the Senator.

Mr. LUCAS. I know what the Senator is trying to tell me.

Mr. CONNALLY. These figures are based upon the total male population 21 years of age. They do not include boys 18 years old, with whom it is desired to fill up the Army under the volunteer system. The State of Michigan has a figure of .0008.

Mr. LUCAS. That is getting down to a pretty fine point.

Mr. CONNALLY. That means eight ten-thousandths of 1 percent.

Mr. President, I have in my hand a list of the number of men from each State, if any Senator cares to hear about it. Let us see how many there were from Ohio during the present year.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. CONNALLY. I ask unanimous consent to have the statement printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The following table shows enlistments for the months of January through June 1940 by State or residence, as tabulated from enlistment records received through August 3, 1940:

	Number of enlistments	Male population 21 years and over, census 1930	Ratio, percent
Alabama	2,168	666,742	0.00325
Arizona	314	134,401	.00203
Arkansas	1,071	494,948	.00216
California	2,847	2,025,774	.00140
Colorado	978	323,224	.00300
Connecticut	636	489,250	.00130
Delaware	108	76,058	.00142
District of Columbia	184	160,809	.00114
Florida	1,129	438,847	.00257
Georgia	2,823	731,490	.00386
Idaho	338	136,212	.00248
Illinois	2,784	2,469,993	.00112
Indiana	1,470	1,016,313	.00144
Iowa	726	765,863	.00094
Kansas	1,022	580,455	.00176
Kentucky	3,053	718,286	.00422
Louisiana	1,086	566,908	.00191
Maine	582	244,320	.00238
Maryland	704	500,549	.00140
Massachusetts	1,974	1,287,970	.00153
Michigan	1,254	1,558,021	.00080
Minnesota	671	797,960	.00084
Mississippi	1,157	516,082	.00224
Missouri	1,266	1,137,503	.00110
Montana	294	181,494	.00163
Nebraska	680	419,139	.00162
Nevada	45	37,588	0.00119
New Hampshire	255	145,551	.0017
New Jersey	1,434	1,261,298	.0011
New Mexico	301	115,667	.0026
New York	5,471	4,078,340	.0013
North Carolina	3,442	758,445	.0045
North Dakota	215	196,028	.0011
Ohio	1,956	2,095,788	.00093
Oklahoma	2,261	673,398	.0033
Oregon	801	331,805	.0024
Pennsylvania	7,411	2,849,595	.0026
Rhode Island	351	202,029	.0017
South Carolina	1,763	395,234	.0042
South Dakota	313	207,413	.0015
Tennessee	2,620	701,194	.0037
Texas	6,648	1,656,675	.0040
Utah	254	136,960	.0018
Vermont	240	112,374	.0021
Virginia	2,169	650,357	.0033
Washington	1,034	545,410	.0019
West Virginia	1,618	471,779	.0034
Wisconsin	1,169	917,712	.0013
Wyoming	256	77,205	.0033
Hawaii	74		
Panama, C. Z.	22		
Philippines	29		
Puerto Rico	188		
U. S. Army posts	898		
Alaska	22		
Total	74,579		

E. S. ADAMS,
Major General, The Adjutant General.

Mr. TYDINGS. Mr. President, have I any time left?

The PRESIDING OFFICER. The Senator has 3 minutes left.

Mr. TYDINGS. Mr. President, I recognize the force of what the Senator from Texas [Mr. CONNALLY] and the Senator from Kentucky [Mr. BARKLEY] have said; but in this bill we have not followed the line of reasoning which they advocate, for the bill provides both for the voluntary system and the selective system. That is the philosophy of the bill. The amendment of the Senator from Arizona [Mr. HAYDEN] does not change that philosophy. It simply puts it into a workable formula.

As I interpret the sentiment of the country, it is, briefly, as follows: A great many people think that the Nation's defense should be increased. The bill is a step in that direction. The people want the volunteer system to hold as far as it can be made a part of the system; and they want conscription, or the draft, only as a supplementary part of that philosophy, if the volunteer system should fail to produce the number of men the country thinks is required. That is what the country wants. It does not want any more conscription than is absolutely necessary for the Nation's defense.

The Senator from Arizona has offered his amendment so that the volunteer system may go its full length; and if it should fail, then the conscription provisions of the bill would supplement it, but only to the extent that the volunteer system fails. There is no change in time. The same number of men would be available under the amendment of the Senator from Arizona as would be available under the bill without it. I do not know of any amendment which has been offered to the bill which more nearly interprets the sentiment of those who feel that some extra defense is necessary than the amendment offered by the Senator from Arizona. Certainly there could be no harm in giving the volunteer system all the trial possible, when the same number of men would be produced for training—either volunteers, or perhaps eventually conscriptees—within the time limit set forth in the bill.

I hope the Senate will be wise enough to agree to the amendment.

Mr. HATCH. Mr. President, I have not spoken on the bill. It had not been my intention to speak on it. Last fall during the long days of the debate on the neutrality measure I did not speak on that question. I did not withhold my tongue because of any lack of feeling or deep concern over the issues which were then presented or the issues which are now presented by the bill.

At this moment I rise only to say that I think the distinguished Senator from Maryland [Mr. TYDINGS], in the remarks he has just made, has altogether misconstrued the desires and wishes of the people of the country.

The people of America are not interested in any fine technical distinctions between conscription and the volunteer method.

We have talked and argued for many hours about technicalities and distinctions in which the people of America are not interested in the slightest degree.

Let me tell the Senate what the people of the country are interested in, and what they want and expect from the Congress of the United States. The people of America are concerned, as they have a right to be concerned, about events which have taken place abroad in recent months, weeks, and even days. They are concerned about war. They do not want to go to war; they hate war; they dread war; and, above everything else, they expect us, as their representatives, to adopt such measures—whether conscription or the voluntary system—as will provide for the country and our people ample safeguards and protection in the way of preparedness against war.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. TYDINGS. I am thoroughly in accord with what the Senator says, and I do not know anything I said that took issue with it.

Mr. HATCH. It was not what the Senator said that took issue with it, and I was not replying to him in particular.

Mr. TYDINGS. But the Senator, if he will recall, singled me out as if I were in disagreement with him.

Mr. HATCH. Because the Senator had said the people of the country want the volunteer method tried out, and I do not think they do at all.

Mr. TYDINGS. No; I did not say that.

Mr. HATCH. Then I misunderstood the Senator.

Mr. TYDINGS. I said, if he will allow me to correct him, that I did not think the people of the country wanted the normal life of the country dislocated any more than the exigencies of all-around, proper, and reasonable national defense would necessitate. That is what I said, and I think that is true.

Mr. HATCH. I have no quarrel with the Senator from Maryland. I think we see this thing almost alike; but I wanted to bear down upon the Senate this statement: The responsibility is ours to do everything that is necessary to defend the country against attack. I hear Senators say—I see one now upon the other side of the Chamber who has repeatedly said, "Who is going to attack us? Where is the attack coming from? Is it coming from Canada, or Mexico, or South America, or Hitler?" I do not know where it is coming from, and the people of America do not know where it is coming from; but they believe there is a possibility of danger, and the very possibility of danger places upon us the absolute responsibility and obligation to prepare in every possible way against that danger.

That is the way I look at this bill. I look at it as strictly a defensive measure. There is not any talk about offensive measures. Whom are we going to attack? Whom has America ever attacked? Neither the Congress nor the people of this country are going to stand for any attack on any other country. But if we fail, in our day and in our time, to meet the responsibility which is ours to protect against the forces which have attacked and which have destroyed countries which did not want to go to war any more than we do, the responsibility and the failure will be ours, and ours alone.

Mr. President, I do not propose to carry any such responsibility. I have voted for every measure which will provide the country with every means of defense. I expect to vote for every such measure, as much as I dislike it. I do not like armies. I do not like navies. I do not like conscription. I do not like sending our boys into the Army by any method. But so long as I am in the Senate of the United States I expect to vote for every measure calculated to defend the country against forces which would destroy everything that makes life livable and endurable.

Mr. ELLENDER. Mr. President, on August 1, while the Committee on Military Affairs of the Senate was considering the bill which is now pending, I submitted an amendment to it which was referred to the committee, and which had as its object the purposes included in the amendment of the Senator from Arizona [Mr. HAYDEN].

I will read the amendment which was proposed by me:

Provided further, That no person shall be inducted into the land or naval forces of the United States under this act, except pursuant to voluntary enlistment for a period of 12 months, until (1) the President shall have proclaimed the number of men which in his judgment should be inducted under this act during the 30-day period following the date of the proclamations, and (2) there has been a failure to obtain such number of men by voluntary enlistment during such 30-day period.

There is no difference between my amendment and the amendment of the Senator from Arizona except as to the mandatory period allowed for voluntary enlistments. My amendment was submitted to the Committee on Military Affairs for consideration. The committee investigated its possibilities and reached the conclusion that it did not add anything to the bill. Thereupon, the amendment was rejected by the committee. After studying the proposition in more detail, I also concluded that the amendment has no place in the pending bill. The reason is obvious: Any boy who is to be inducted into the service of the United States under the terms of the pending bill may volunteer for service at any time prior to the day upon which he is ordered to report for actual duty. Therefore the only effect my amendment or the amendment of the Senator from Arizona would have would be simply to postpone the effective date for conscription 30 or 60 days, as the case may be, beyond that which will be fixed by the President under the authority vested in him in the pending bill. It can readily be seen that there is absolutely nothing to be gained by the adoption of the amendment offered by the Senator from Arizona, but, on the contrary, it will only cause further delay in our defense preparations. The amendment should be rejected.

Mr. President, the pending bill is simply another cog in the wheel of defense.

Our military experts agree that its enactment is essential to our preparedness program. The great majority of our people want action now on the part of this Congress to put in motion the machinery to build up our defenses to their maximum strength. They realize the folly of building thousands upon thousands of intricate defense mechanisms, spending billions of dollars therefor, without at the same time training men to use those mechanisms. Wars are no longer won by the nation that can throw the greatest number of men into the conflict—the tank, the airplane, and other war machines have become the deciding factor, and the modern army needs many of such machines and many skilled men to operate them. These men cannot be trained overnight. They have to acquire their knowledge by patient training. It will be too late to teach them the fundamentals of mechanized warfare after the invader has reached our shore. A challenger to the heavyweight boxing champion would hardly wait until he got into the ring with his adversary before learning the fine points of the art of fisticuffs.

Mr. President, it is incumbent upon us to prepare our men in peacetime to meet the emergencies of war. It is my honest belief and conviction that if we make sufficient preparations now we will not be bothered by forces abroad. Let us be realists and not dreamers. We will remain free and at peace with the world just so long as we are strong enough to protect our shores from the greedy appetites of hungry nations. A large and prosperous, but weak, unprepared nation offers a tempting meal to the land-hungry dictators of the Old World, whereas a strong, unified, well-prepared nation will be adequate insurance against the fate that has visited itself during the past year upon so many of the European democracies. Yes, Mr. President, we must prepare—we must prepare now. And let us prepare in the true democratic way; let every American citizen carry his share of the burden. We must not leave the defense of our country to the patriotic and to those who seek military enlistment because they cannot find employment in private industry. The selective draft as provided

for in the pending bill is a just, fair, and equitable way to build up our reserve forces. I am confident that the Senate will support it when the final roll call is had.

Mr. President, let us put the defenses of our Nation in such a strong position that when we advance a proposition to any nation or set of nations our voice will not only be heard but our views heeded.

Mr. NORRIS. Mr. President, I was very much interested in the remarks of the Senator from New Mexico [Mr. HATCH]. I was interested because I have a great deal of faith in his judgment. The force of his argument, as I heard it, was that the amendment would retard the preparation we ought to make to be secure in our national defense.

If that be true, it is of importance, perhaps, that the amendment should be defeated. As I look at the matter, however, the amendment will have no influence of that kind. The amendment, standing alone, is not what I should like to see enacted into law; but I think it would greatly improve the bill, and for that reason I shall support it.

The truth is, as I see the matter, that we have made the preparations, we have met the contingencies without this bill, and the passage of the bill will not in any degree help us in making our defense more secure.

This proposed law is a peacetime law. It will be a permanent law. It fastens upon this country compulsory military training in time of peace. If we pass it, we shall put that policy on our statute books, in my opinion, never to be removed. It will remain there permanently, even though by the terms of the law itself it is limited as to time. If we ever get the camel's nose under the tent, we shall all see the day, not very far in the future, when the whole camel will be inside the tent.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. NORRIS. I hope the Senator will not interrupt me in my limited time.

What have we done to meet the contingency? What has the Congress already enacted into law that will meet the contingency? We have provided, as we have never provided before, the greatest step the country has ever taken in the increase of the Navy. We have provided for the greatest step the country has ever taken in building airplanes. We have provided a larger standing army than has ever before existed under any law that Congress ever passed; so that Hitler or any other man who undertakes to invade this country must first overcome the air force, he must overcome the Navy, and he must overcome a standing army of nearly 800,000 men. We have made other preparations which I have not mentioned.

Will any man say that if Hitler wins over Great Britain he will be prepared the next day to make an attack upon the United States? Is any person so unreasonable as to think that a man with any military genius whatever would undertake, with what Hitler will have left, an invasion of the Western Hemisphere, without additional preparation?

What must he do first? He must overcome our Navy and our air force, and he must overcome all the preparations for which we have provided. He must overcome the largest standing army this country ever had. Assuming he should make the attack, before he could overcome us we would have ample time to prepare an army such as could be provided for by compulsory military service, by the selective draft.

I favor that kind of preparation. We followed that plan at a previous time, during the World War. We prepared an army after the declaration of war, an army that was practically invincible. We would have ample time now, with the preparations we have already made, to make a defense against any possible combination of European powers. Before they were on our shores, before they could get to first base, we could have a trained and seasoned and hard-muscled army to meet any emergency which could possibly arise.

Why should we pass this bill, which would affect our country in time of peace? If we passed the bill tonight, we could not get ready for the organization and the selecting of the army by next week. We would find it impossible to do those things which those who favor the legislation think can be done by the operation of the proposed law.

I cannot understand why we should be so anxious to fasten upon this democracy a theory of military government which has always prevailed in every dictatorship in the world, a step which history shows will affect the generations after we are dead and gone.

This is not a bill to prepare an army to fight tomorrow; it is a bill to prepare an army to fight men and peoples yet unborn. It is a step in the direction of fastening a dictatorship upon the American Government in time of peace.

Mr. President, I can see no reason why men are afraid even of the pending amendment, which would permit the postponement of the operation of the proposed law for 90 days. In the meantime the volunteer system would be tried out.

It seems to me we should think of it, not in the terms which have been argued here, but in terms of a permanent policy of a democracy in time of peace, to fasten on it an attribute which does not belong to and cannot live with a democracy, to fasten upon it a system of everlasting military training, a system of government which is to blame, in my judgment, more than any other one thing, for the willingness with which the people in Germany carry out Hitler's policies and uphold the desperate tactics he has practiced upon innocent men.

If we lived in Europe it would be a different thing. If our country adjoined Hitler's there might be some reason for our continually living in that kind of an atmosphere. I submit that if we must live in that kind of atmosphere, if we must bid farewell to the very essence of democracy in order to preserve a democracy, there is but little difference between submitting for years, or always, to that kind of a tyrannical government, and being overcome now, and dying at once, because the finest sensibilities of democratic people will be subdued and deadened. The voice of freedom will lose its effect if permanently, in time of peace, we fasten upon our Government an attribute which comes only and lives only and can live only with a dictatorial form of government. If we wish to surrender our democracy, if we wish to embrace monarchy, dictatorship, something that is to stay with us always, we should pass the bill, of course.

There is no reason to fear that we will suffer if, with the preparations we have already made, we refuse to take this step, which to our children and our children's children will mean a denial of the enjoyment of all the finer sensibilities of human life, and make them slaves to a dictator.

Mr. President, it seems to me that as the bill now stands, the amendment would improve it. It would put off the evil day to some degree, though not as much as it should, in my opinion, until we could have time to get out of the hysterical atmosphere in which we live, and in which we act.

So, Mr. President, I hope and pray that the amendment may be added to the bill, in order that the measure may be less harmful than it would be if the amendment were not agreed to.

I reserve the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN], as modified, to the amendment of the committee. The yeas and nays have been ordered.

Mr. LODGE obtained the floor.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. Will the Senator yield to me so that in his time I may offer a modification of the amendment?

Mr. LODGE. I yield for that purpose.

Mr. HAYDEN. I propose to add at the end of the amendment the following:

> Nothing in this subsection shall be construed to require or postpone, during either of such 60-day periods, the registration, classification, or selection of persons to be adopted for training and service under this act.

I offer the change, not that it is at all necessary, as nothing can be read into the amendment which would take away any power which the President would have under the terms of the proposed act, but merely to answer the argument made by

the Senator from Kentucky. The amendment certainly will cure whatever may have needed adjustment.

The PRESIDING OFFICER. Without objection, the amendment is modified as suggested.

Mr. LODGE. Mr. President, ever since the national defense debate began, my aim has been to have a measure passed which would result in our country procuring a highly trained, highly selected personnel for the Army as quickly as possible. I have always thought that speed was important. I have also thought that the voluntary system could not produce the men with the necessary speed, and for that reason many months ago I came out in support of compulsory military training.

I intend to support the amendment of the Senator from Arizona, because it seems to me it would make for more speed in procuring men for our Army. I have been opposed to the amendment proposed by the Senator from Connecticut and other amendments which sought to provide for a voluntary enlistment period and then begin the draft process after that. But as I read the pending amendment, the two activities would go along concurrently.

During the World War, 112 days elapsed between the time when the draft law was enacted and the day the first man was drafted. Even the most optimistic estimates we can now obtain are to the effect that at least 90 days will elapse between the time the proposed law will go into effect and the day when anyone will be drafted. So we could not possibly lose anything, insofar as manpower is concerned by adopting the pending amendment. In fact, we could begin taking in volunteers immediately, and then automatically, at the end of the 60-day period, we would begin inducting the men, because the registration, the classification, and the selection would all be going on at the same time. So it seems to me that those of us who want to see speed and who want to see the greatest possible promptness in securing manpower should support the amendment.

I think Senators who have opposed the amendment on the ground that the volunteer system is undemocratic and unjust are on very consistent ground; but to my mind the relative merits of the volunteer system and the conscription system are entirely secondary to the question of getting men, and if we get men promptly, that is of greater importance than the way in which we get them.

In the bill as it now stands, the voluntary and the compulsory systems are combined and woven in together. That was made very plain by the senior Senator from Texas when he made his speech on August 9 explaining the bill. He stated it several times in the RECORD.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BARKLEY. I do not want to take the Senator's time.

Mr. LODGE. I am glad to yield, because if I am making any erroneous or inaccurate statements I wish to be corrected.

Mr. BARKLEY. Does not the Senator from Massachusetts think we can get any given number of men more rapidly when the voluntary and conscription systems begin together and work together, than we can when we have simply the voluntary system, and have the conscription or draft suspended for 60 days or any other number of days? Under the bill, at the beginning, as soon as it goes into effect, the two systems will work together.

Mr. LODGE. Yes; they will work right along together.

Mr. BARKLEY. They will work right along together. But under the pending amendment only one of them would work until the 60 days are over, and then it would be necessary to put into effect the other system.

Mr. LODGE. That is where I do not agree with the Senator from Kentucky.

Mr. BARKLEY. Not one man could be drawn into service, even though boards could be set up and the men registered and told they would be selected at the end of 60 days, until the end of the 60 days.

Mr. LODGE. As a matter of legal theory that is true, but as a matter of practical fact the most optimistic estimates are, as the Senator very well knows, that the men could not be inducted into service until 90 days anyway.

Mr. BARKLEY. I do not think that is the War Department's idea as to the rapidity with which it can be done, and, as I said, the War Department has had long experience to go by.

Mr. LODGE. In the war it took them 112 days to get ready.

Mr. BARKLEY. They had no experience to go by then, and now they can probably do it in half that time.

Mr. LODGE. A very great authority, whom the Senator and I both know, is of the opinion that if the bill were enacted by September 15 the earliest date they could begin to induct men is December 15, or 90 days.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. MINTON. I was informed a moment ago by a member of the Army staff, who is well advised about this program, that within 30 days after the act is passed men would be inducted into the Army under the act.

Mr. LODGE. I hope the Senator will furnish us with his name and some official statement to the effect because that is very revolutionary and entirely out of accord with all previous experience on the subject.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. The Senator will remember that Gen. Hugh Johnson was in charge of the Draft Act during wartimes. It is his judgment, as publicly expressed in the newspapers, that no men will be drafted under this proposed act within 90 days, because when we were at war that was the best they could do.

Mr. LODGE. I am taking my whole position on that basis. I have tried diligently to get the facts that are available. In the World War it was 112 days before they began drafting men into the Army, and now they may be able to take 20 days off that time if they are good. If it is a matter of 30 days, as the Senator from Indiana says, then, of course "all bets are off," and we ought to start all over again, but I think there must be some misunderstanding about that.

Mr. MINTON. Mr. President, will the Senator again yield?

Mr. LODGE. I yield.

Mr. MINTON. The Senator wanted the name of the officer. I am very glad to furnish his name. I understand he is Captain Keesling, of the Army Staff, who has been here on Capitol Hill advising the Military Affairs Committee about this very bill.

Mr. LODGE. He states that within 30 days after the bill becomes law men will be inducted. Is that correct?

Mr. MINTON. They can begin inducting men into the Army within 30 days after the bill is passed, if it shall be passed. That is because of their experience in the World War, and their consideration of this matter during the time we have had the bill under consideration, and prior thereto.

Mr. HAYDEN. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield.

Mr. HAYDEN. That could be possible, but it is highly improbable because the registration has to be provided for; the machinery has to be set up in every State in the Union for men to register on a certain day. Then when a man registers, he must respond to all the questions contained in the very large questionnaire, a sample copy of which was printed in the CONGRESSIONAL RECORD.

In the meantime the Governors of the States must recommend the appointment of local draft boards; the names of the members must be sent to Washington and approved, and the boards which are to undertake the work must be set up. When the classification takes place, it must be transmitted to Washington, and then there must be a drawing. With all that mechanics it is impossible to have everything in readiness within 30 days.

Mr. LODGE. My whole theory is that a straight line is the shortest distance between two points, and I wish to get men into the Army in the quickest way, whether it is the voluntary or compulsory way.

I think the point the Senator from Indiana has raised is fundamental. It is at variance with all the information

I have been able to get, but it is a very crucial point with me anyway, because I would not want to vote for anything that would interfere with the prompt procurement of manpower.

I should like to ask whether it is possible to have the amendment go over for awhile and see if we can straighten out this question of fact.

Mr. MINTON. I have a schedule of the time, if the Senator from Massachusetts will permit me to read it.

Mr. LODGE. I shall be very glad to have it read in my time, because it is very important.

Mr. MINTON. The following schedule has been prepared by the Joint Army and Navy Selective Service Committee:

SCHEDULE OF TIME REQUIRED FROM DATE OF PASSAGE OF THE LAW UNTIL FILLING OF FIRST CALL

0 to fourteenth day: Registration preparation.
Fifteenth day: Registration.
Sixteenth to twenty-first day: Set up local board and serially number cards.
Twenty-first to twenty-fifth day: For lottery and distribution of order number.
Twenty-fourth to twenty-ninth day: Local board assign order number, and mail questionnaire.
Twenty-ninth to thirty-fourth day: Return of questionnaires.
Thirty-fourth to thirty-sixth day: Run through questionnaires and sort out probable class I–A.
Thirty-sixth to fortieth day: Physically examine and induct class I–A.
Consider 0 day as the day of the passage of the act.

Mr. LODGE. What is the last number?

Mr. MINTON. Forty days.

Mr. LODGE. On the fortieth day the first draftee will enter the service?

Mr. MINTON. On the fortieth day draftees will begin to be sworn in.

Mr. LODGE. On the fortieth day the first draftee will enter the Army?

Mr. MINTON. That is correct.

Mr. LODGE. I think that is a fact which ought to be taken into consideration in connection with this amendment.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. HAYDEN. As the Senator will remember, the statement made by the Chief of Staff before the committee was that if the bill should become a law on the 1st of September, it is hoped that some men will be brought in under the draft by the 15th of October. The Senator will remember that statement.

Mr. LODGE. I remember it. That is what I base my thought on.

Mr. HAYDEN. That is what I based my thought on. It is inconceivable to me, even after listening to the Senator from Indiana. The only way anyone could be inducted into the service by that time would be by sorting out the questionnaires—not to look them all over, but to pick out the names of a few men whom it was thought probably might well be drafted. The Senator will remember what the Senator from Indiana said. The officials would go through the questionnaires and pick out from them the names of men who probably would go. If there were any dispute a man would not go, of course.

Mr. LODGE. As I have said several times, my whole desire is speed and expedition. The Senator from Indiana has given us figures which come from an official source. There is no doubt about it. To be sure, they come pretty much at the last minute. I am wondering whether or not we might modify the period of days in order to conform to the new estimate which has suddenly appeared.

Mr. HAYDEN. Mr. President, we have acted upon our best judgment, based upon evidence before the committee. This is something which comes in at the last moment. The bill must pass the House of Representatives. There will be ample opportunity for this question to be considered there. I therefore prefer that the vote in this body be upon the 60-day period.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

The question is on agreeing to the modified amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment reported by the committee. On this question the yeas and nays have been ordered. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the junior Senator from Mississippi [Mr. BILBO] and vote. I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I am not advised as to how he would vote. I therefore withhold my vote.

Mr. TYDINGS (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. FRAZIER]. I am advised that if he were present he would vote as I shall vote. Therefore, I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BANKHEAD. I have a general pair with the senior Senator from Oregon [Mr. McNARY]. Not knowing how he would vote, I withhold my vote.

Mr. MINTON. The Senator from Mississippi [Mr. BILBO], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ] is detained on official business. I am advised that if present and voting, he would vote "yea."

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. McNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The Senator from Kansas [Mr. REED] is absent on account of illness.

I am advised the Senator from Oregon [Mr. HOLMAN] would vote "nay," if present.

The result was announced—yeas 41, nays 43, as follows:

YEAS—41

Adams	Holt	Neely	Tydings
Ashurst	Johnson, Calif.	Norris	Vandenberg
Bone	Johnson, Colo.	Nye	Van Nuys
Brown	King	Pittman	Wagner
Bulow	La Follette	Radcliffe	Walsh
Capper	Lundeen	Reynolds	Wheeler
Clark, Mo.	McCarran	Shipstead	White
Davis	Maloney	Slattery	Wiley
Donahey	Mead	Smith	
Downey	Miller	Thomas, Idaho	
Hayden	Murray	Tobey	

NAYS—43

Andrews	Clark, Idaho	Harrison	Overton
Austin	Connally	Hatch	Pepper
Bailey	Danaher	Herring	Russell
Barbour	Ellender	Hill	Schwartz
Barkley	Gerry	Hughes	Schwellenbach
Bridges	Gibson	Lee	Sheppard
Burke	Glass	Lodge	Smathers
Byrd	Green	Lucas	Taft
Byrnes	Guffey	McKellar	Thomas, Utah
Caraway	Gurney	Minton	Truman
Chandler	Hale	O'Mahoney	

NOT VOTING—12

Bankhead	Frazier	Holman	Stewart
Bilbo	George	McNary	Thomas, Okla.
Chavez	Gillette	Reed	Townsend

So the modified amendment of Mr. HAYDEN to the committee amendment was rejected.

Mr. HAYDEN subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of the proceedings on my amendment a brief statement of my attitude toward the entire bill. The statement was prepared over a week ago, and I have used it in answer to correspondents who have written to me from Arizona.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY CARL HAYDEN

August 20, 1940.

As I see it, the pending bill, "To protect the integrity and institutions of the United States through a system of selective compulsory

military training and service," must be viewed in the light of the following basic considerations:

1. For nearly 20 years after the last great war, the general opinion among democratic peoples of the world was that permanent peace had been insured and that there would never be another major conflict.

2. The situation has completely changed in that four great nations, Germany, Italy, Russia, and Japan, now have governments which pursue a policy of ruthless conquest, and the indications are that, unless they quarrel among themselves, these dictator governments will be an evil force which must be reckoned with for the next 20 years.

3. The only thing which a dictator respects is armed force. Therefore, to remain at peace the United States must have a two-ocean Navy and a sufficient number of trained soldiers to make it exceedingly dangerous for any one of these totalitarian powers, or a combination of them, to attack us.

4. Modern military might is mechanized. Of a million men in an American Army only 250,000 would carry rifles. The other three-fourths would be piloting airplanes, servicing them on the ground, operating radio equipment, tanks, antiaircraft guns, and a large number of other complicated implements of war.

5. Not only must the individual soldier become thoroughly competent in handling the particular machine that is placed under his control, but he must know how to use it in the closest possible coordination with every other branch of the service.

6. Failure to face the facts of modern methods of warfare will leave the United States just as unprepared for a surprise attack as were France and all the smaller nations on the continent of Europe which came within the scope of Hitler's ambitions.

7. Because of what I saw with my own eyes in Europe and in Asia, I have urged for more than 5 years that larger sums of money be provided for the newer types of defensive equipment. Until quite recently I could obtain but little support. Now Congress is providing more than $10,000,000,000 for expenditures during the next 2 years in naval and military armament.

8. Money having been provided for this equipment, men must be found who can be trained to use it effectively. So little of it is now available that we are told by the general staff that, in addition to the Regular Army and the National Guard, not more than 400,000 recruits could possibly be used this fall and winter. It is hoped that by about the first of next April, uniforms and other military material will be available for an additional 400,000 men. Counting on necessary discharges, the Army hopes to have what is known as the protective mobilization force of 1,200,000 men trained and available about a year and a half from now. The training of that force must be by divisions of from 12,000 to 18,000 men comprising all branches of the service.

9. To accomplish all that can be done within the next year, the following steps should be taken:

(a) The registration of men between the ages of 21 and 25 should be immediately authorized and local civilian boards should be established in each community to determine fitness for military service and the relative order in which such men should be called into service if needed. Since about 1,250,000 men become of age each year, about 5,000,000 young men would thus be subject to classification.

(b) The President should be authorized to call for 400,000 1-year volunteers and if, within 60 days after the call, that number had not enlisted, the deficiency would be made up by the local draft boards through the selection of the remainder, from quotas allotted to each State, after giving credit to the State for the number of volunteers already obtained. This same process could be repeated early next year to provide for the 400,000 men needed in April.

If Congress adopts this procedure, there will be no question about the availability of men to be trained in the use of the new mechanical equipment now in process of manufacture for the Army and the Navy. A proper foundation will have been laid to meet any sudden threat against the liberties of the American people. As has been demonstrated over and over again by unprovoked and instantaneous assaults upon nations which have neglected their defenses, peace can only be assured by preparedness.

These are my own ideas and I shall vote for amendments to the Burke-Wadsworth bill which so far as possible will carry them into effect. But no Senator can have everything his own way. I shall, therefore, vote for the bill on its final passage in the form agreed upon by a majority of the Senate.

Mr. NEELY. Mr. President, I call up the amendment I have heretofore submitted, which is on the clerk's desk, and ask for action upon it at this time.

The PRESIDENT pro tempore. The amendment offered by the Senator from West Virginia will be stated.

The LEGISLATIVE CLERK. On page 17, between lines 13 and 14, it is proposed to insert the following:

(d) The authority of the President to induct persons (other than those who enlist voluntarily)—

Mr. NEELY. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. NEELY. Mr. President, this amendment embodies the principle upon which the Senate has just voted, but it reduces the period which would elapse between any ascertained failure of the volunteer system to prove its sufficiency and the time when the President could put the conscription machinery in operation.

The amendment is as follows:

(d) The authority of the President to induct persons (other than those who enlist voluntarily) into the land and naval forces of the United States for training and service under this act shall not become effective if there shall be voluntarily enlisted, as provided in this section or under any other provision of law, in the land and naval forces of the United States (1) during the 30-day period immediately following the date of the enactment of this act, 75,000 persons; (2) during the next period of 30 days, 115,000 persons; (3) during the next period of 30 days, 210,000 persons; and (4) during each period of 10 consecutive days after January 1, 1941, such number of persons as the President deems necessary to provide for the requirements of an adequate national defense. If at the end of any such period of 30 days the number of persons voluntarily enlisted is less than the number herein prescribed for such period, such authority of the President shall thereupon become effective; or, after January 1, 1941, if at the end of any such period of 10 days the number of persons voluntarily enlisted during such period is less than the number the President deems necessary to provide for the requirements of an adequate national defense, such authority of the President shall thereupon become effective.

Mr. President, if Senators desire to record themselves in favor of the principle of voluntary enlistment, and are not afraid that the country will be invaded during the 30-day periods or the 10-day periods in which the enlistment principle is being tested, then they should vote for this amendment.

Mr. President, I demand the yeas and nays.

Mr. SHEPPARD. Mr. President, the pending bill is a carefully worked out combination of both the volunteer and the compulsory systems; and I do not think it should be modified.

Mr. LUNDEEN. Mr. President, did I correctly understand the Senator from West Virginia to say that we are not in danger of invasion during the next 30 days?

Mr. NEELY. I do not think that this country will be invaded during the next 30 days. But beyond this period I venture no predictions.

Mr. LUNDEEN. I am very glad to know that for the next 30 days we shall be safe.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. NEELY] to the amendment reported by the committee, as amended. On that question the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I announce the same pair as on the last roll call, and withhold my vote.

Mr. McKELLAR (when his name was called). Making the same announcement as on the former vote as to my pair and its transfer, I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I am advised that if present and voting he would vote "nay." Since that is the way I desire to vote, I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. MINTON. The Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Montana [Mr. WHEELER], are unavoidably absent.

The result was announced—yeas 27, nays 58, as follows:

YEAS—27

Adams	Donahey	Mead	Tobey
Ashurst	Downey	Murray	Tydings
Bone	Hayden	Neely	Van Nuys
Brown	Holt	Norris	Wagner
Bulow	Johnson, Calif.	Radcliffe	Walsh
Capper	Johnson, Colo.	Shipstead	Wiley
Davis	La Follette	Thomas, Okla.	

NAYS—58

Andrews	Caraway	George	Harrison
Austin	Chandler	Gerry	Hatch
Bailey	Chavez	Gibson	Herring
Barkley	Clark, Idaho	Glass	Hill
Bridges	Clark, Mo.	Green	Hughes
Burke	Connally	Guffey	King
Byrd	Danaher	Gurney	Lee
Byrnes	Ellender	Hale	Lodge

Lucas	Nye	Schwartz	Thomas, Idaho
Lundeen	O'Mahoney	Schwellenbach	Thomas, Utah
McCarran	Overton	Sheppard	Truman
McKellar	Pepper	Smathers	Vandenberg
Maloney	Pittman	Smith	White
Miller	Reynolds	Stewart	
Minton	Russell	Taft	

NOT VOTING—11

Bankhead	Frazier	McNary	Townsend
Barbour	Gillette	Reed	Wheeler
Bilbo	Holman	Slattery	

So Mr. NEELY's amendment to the amendment of the committee was rejected.

Mr. ANDREWS. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a table showing voluntary enlistments by States for the 6 months of January through June 1940.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The following table shows enlistments for the 6 months of January through June 1940, under present Army voluntary system.

	Population	Number of enlistments
Alabama	2,646,248	2,168
Arizona	435,573	314
Arkansas	1,854,482	1,071
California	5,677,251	2,847
Colorado	1,035,791	978
Connecticut	1,606,903	636
Delaware	238,380	108
District of Columbia	486,869	184
Florida	1,468,211	1,129
Georgia	2,908,506	2,823
Idaho	445,032	338
Illinois	7,630,654	2,784
Indiana	3,238,503	1,470
Iowa	2,470,939	726
Kansas	1,880,999	1,022
Kentucky	2,614,589	3,053
Louisiana	2,101,593	1,086
Maine	797,423	582
Maryland	1,631,526	704
Massachusetts	4,249,614	1,974
Michigan	4,842,325	1,254
Minnesota	2,563,953	671
Mississippi	2,009,821	1,157
Missouri	3,629,367	1,266
Montana	537,606	294
Nebraska	1,377,963	680
Nevada	91,058	45
New Hampshire	465,293	255
New Jersey	4,041,334	1,434
New Mexico	423,317	301
New York	12,588,066	5,471
North Carolina	3,170,276	3,442
North Dakota	680,845	215
Ohio	6,646,697	1,956
Oklahoma	2,396,040	2,261
Oregon	953,786	801
Pennsylvania	9,631,350	7,411
Rhode Island	687,497	351
South Carolina	1,738,765	1,763
South Dakota	692,849	313
Tennessee	2,616,556	2,620
Texas	5,824,715	6,648
Utah	507,847	254
Vermont	359,611	240
Virginia	2,421,851	2,169
Washington	1,563,396	1,034
West Virginia	1,729,205	1,618
Wisconsin	2,939,006	1,169
Wyoming	225,565	256
Hawaii	368,336	74
Panama Canal Zone	39,467	22
Philippines (1935 census)	13,099,405	29
Puerto Rico	1,543,913	188
United States Army posts		898
Alaska	59,278	22
Total		74,579

Mr. ADAMS. Mr. President, I desire to submit an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. In the committee amendment it is proposed to add a new section, to read as follows:

SEC. 302. (a) All the provisions of section 3 of the act of March 27, 1934, as amended or hereafter amended, shall be applicable with respect to contracts hereafter entered into for weapons, ammunition, and other military equipment procured by the Ordnance Department of the Army and by the Bureau of Ordnance of the Navy to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft or any portion thereof by the Army and Navy: *Provided*, That the Secretary of War shall exercise all functions under such section with respect to such contracts of the Army, and the Secretary of the Navy shall exercise all functions under such section with respect to such contracts for the Navy.

(b) The provisions of section 3 of such act of March 27, 1934, as amended, shall, in the case of contracts or subcontracts entered into after the date of the approval of this act, be limited to contracts or subcontracts where the award exceeds $50,000.

(c) All determinations hereafter required under such act of March 27, 1934, as amended, with respect to the costs and profits of the War Department and Navy Department contracts shall be made by the Secretary of War and the Secretary of the Navy, respectively.

Mr. ADAMS. Mr. President, the amendment which I have sent forward was offered earlier in the day as an amendment to the amendment of the Senator from Georgia [Mr. RUSSELL]. At his suggestion I withdrew the amendment and am now offering it and asking, if it shall be adopted, to have it placed in the bill following the amendment of the Senator from Georgia.

The purpose of the amendment is to impose a profit limit upon contracts for ordnance supplies. At the present time there are profit limitations in the case of contracts involving naval vessels and airplanes both for the Army and the Navy, but no limitations upon contracts for ordnance.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BARKLEY. I notice from a reading of the amendment that it applies to a certain section as heretofore amended or as hereafter to be amended.

Mr. ADAMS. That is correct.

Mr. BARKLEY. Does not the Senator think that is going up a blind alley, to apply it to any amendment which may hereafter be adopted?

Mr. ADAMS. I will say to the Senator that there is pending in the appropriation bill now on the calendar a provision which would lift the airplane profit limit from 8 percent to 12 percent, and this is tying the ordnance profit limit in with the airplane limit.

Mr. BARKLEY. That may be true as to the particular amendment which the Senator has in his mind, but the language would make it apply to any amendment adopted at any time hereafter.

Mr. ADAMS. It would affect the profit limit; yes. I do not think we should tie it down. I think it should be flexible, and that is the purpose. I do not think we want the gun makers and the tank makers to be left free to profiteer, while we hold down the airplane manufacturers. Then we would have the mechanics and subcontractors going over into the tank factories and away from the airplane factories.

Mr. BARKLEY. Of course, no Congress can bind a future Congress.

Mr. ADAMS. Certainly not.

Mr. BARKLEY. If in the future the section should be amended in some other way than in the manner suggested in the appropriation bill which is now on the calendar, of course Congress could do whatever it saw fit to do at that time.

Mr. ADAMS. Of course.

Mr. BARKLEY. While I am on my feet, I might suggest to the Senator that the revenue bill which has been reported, I understand, or is supposed to be reported to the House, carries a provision with respect to this matter, as I understand it. The Senator from Mississippi [Mr. HARRISON], the chairman of the Committee on Finance, is present, and knows what has been done about it. I am wondering whether it is necessary to carry the profit provision in this bill, as well as in the tax bill.

Mr. ADAMS. I think it might be well to take care of it. It seems to me there is a gap which should be filled at this time. It has been disadvantageous to the airplane manufacturers. If the excess-profits tax bill takes care of it as to airplanes the matter of ordnance can also be taken care of in that bill.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	La Follette	Schwartz
Andrews	Donahey	Lee	Schwellenbach
Ashurst	Downey	Lodge	Sheppard
Austin	Ellender	Lucas	Shipstead
Bailey	George	Lundeen	Smathers
Bankhead	Gerry	McCarran	Smith
Barkley	Gibson	McKellar	Stewart
Bone	Glass	Maloney	Taft
Bridges	Green	Mead	Thomas, Idaho
Brown	Guffey	Miller	Thomas, Okla.
Bulow	Gurney	Minton	Thomas, Utah
Burke	Hale	Murray	Tobey
Byrd	Harrison	Neely	Truman
Byrnes	Hatch	Norris	Tydings
Capper	Hayden	Nye	Vandenberg
Caraway	Herring	O'Mahoney	Van Nuys
Chandler	Hill	Overton	Wagner
Chavez	Holt	Pepper	Walsh
Clark, Idaho	Hughes	Pittman	White
Clark, Mo.	Johnson, Calif.	Radcliffe	Wiley
Connally	Johnson, Colo.	Reynolds	
Danaher	King	Russell	

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, a quorum is present.

The question is on the amendment of the Senator from Colorado [Mr. ADAMS] to the amendment of the committee.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HARRISON. Mr. President, I wish to make a brief statement. I had not expected to say anything with reference to the pending bill, but if the pending amendment shall be adopted by the Senate, I am afraid it will bring about complications.

The President and the Council of National Defense say they have been greatly handicapped in making contracts by the provisions of the Vinson-Trammell Act, because one manufacturer is allowed a certain percentage of profit on a contract, and another is allowed perhaps a larger percentage of profit. That has caused delay in the making of contracts. So the President has urgently requested the enactment of legislation which would suspend the Vinson-Trammell Act, and the enactment of one or two other needful provisions.

The Congress has been charged with being guilty of some delay in undertaking the passage of such legislation. The Ways and Means Committee of the House has had hearings on this matter, and has favorably reported a bill dealing with the subject to the House. It is hoped that the House will pass the excess-profits tax bill, which includes the desirable provisions the administration has asked for with respect to contracts such as those under discussion. I think the measure will come to the Senate about Friday.

Mr. President, it is the intention of the Finance Committee to begin hearings next Tuesday. Notice to that effect has been sent to the members of the committee. The committee would go to work on the measure before Tuesday if it should be passed by the House earlier than Friday. Monday will be Labor Day. If the pending bill is passed by the Senate tonight, some Senators will want to go away, because of business matters. The Finance Committee will take the other bill up for consideration Tuesday. We expect to have very brief hearings on that very important bill, which includes the important provisions to which I have referred, as well as the provision with respect to excess-profits tax.

In considering the legislation which is now pending in the House we shall try to deal with everyone alike in providing for an excess-profits tax. Some may think that the tax recommended is not sufficiently high, but I think those who will be affected by the tax will think it is quite high, and it will raise considerable revenue for the Government.

Mr. President, we shall attempt to hasten the enactment of the legislation in a reasonable way, and present it to the Senate, for passage or rejection, as the Senate may decide, as speedily as we can.

I am afraid that if the provision contained in the pending amendment should be adopted it would cause further complications. I do not know what the chairman of the Senate Committee on Military Affairs, who has the bill in charge, thinks about the amendment, but I believe it should be rejected. I submit that thought to the Senate for its consideration.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CLARK of Missouri. I should like to ask my friend, the chairman of the Finance Committee, if it is not a fact that the basic bill in the House has been changed already at least four times? Is that true?

Mr. HARRISON. The proposed legislation, with respect to which our own experts and the Treasury are trying to get together, which the subcommittee reported, and upon which hearings were had in the House committee, has been greatly disfigured.

Mr. CLARK of Missouri. Let me say, if the Senator will further permit, that I have attended nearly all the hearings of the House committee, to which the members of the Senate committee were invited. I attended several hearings before the general public hearings were begun, at the invitation of my friend the Senator from Mississippi, and there have been at least four essential changes in the bill since it was first proposed.

Mr. HARRISON. At least four changes were made.

Mr. CLARK of Missouri. Yes; there were at least four essential changes.

Mr. HARRISON. Yes; four essential changes.

Mr. CLARK of Missouri. Those changes entirely revolutionized the whole theory of the bill.

Mr. HARRISON. I think so. That is why, I may say, I think there should be public hearings on the bill next week.

Mr. CLARK of Missouri. I certainly think there should be public hearings on it; but I do not think that is any reason for rejecting the pending amendment, because now we have the best chance we will ever have to write the intention of Congress into the law.

Mr. HARRISON. I have stated to the Senate that I feared the adoption of the amendment might slow down some contracts which are being made. Of course, I am in thorough sympathy with what the Senator from Colorado is trying to do.

Mr. CLARK of Missouri. Will the Senator again yield?

Mr. HARRISON. I yield.

Mr. CLARK of Missouri. The Senator knows very well, indeed, that the whole theory of an excess-profits tax is that it will simply be a cloud or a coating to the proposed change in the amortization law, and more particularly the repeal of the Vinson-Trammell Act. The Senator is certainly familiar with that.

Mr. HARRISON. Yes. I am in thorough accord with the Senator's views on that question.

Mr. CLARK of Missouri. So if we are ever to get anywhere in solving the problem, we must have an amendment such as that which the Senator from Colorado has offered.

Mr. HARRISON. If I thought there was any doubt about what the Senator says, I should be in favor of adopting the amendment, but I fear that it may complicate a situation which we are working almost every minute in the day to try to unravel in such a way as we hope may hasten adjournment.

Mr. CLARK of Missouri. Mr. President, let me say that I think I was probably the first Member of either body of Congress to suggest that Congress should remain in session. I did so because I thought that if we should adjourn the President might get us into war. I have since learned that every time the President goes on a week-end trip he comes back and asks for either $4,000,000,000 or $5,000,000,000 of additional authorizations, or for conscription, or something else equally bad. As I told the Senator from Kentucky [Mr. BARKLEY] the other day, while I think I was the first Senator to speak on the floor in favor of staying in session, if the Senator from Kentucky wishes to bring in a resolution tonight to adjourn, I shall be one of the first to support it.

Mr. HARRISON. I should have to differ with the Senator on that question. There are two important pieces of legislation which I think the Senate must consider. One is the excess-profits tax, whatever it may be, and the other is the sugar-quota bill, which has passed the House and is now before the Senate.

Mr. CLARK of Missouri. Let me ask the Senator a question about the excess-profits tax. It is estimated by the Treasury experts and by the experts of the Joint Committee on Taxation that the bill will raise $190,000,000. Every week end the President is recommending appropriations of $4,000,000,000 or $5,000,000,000. What difference would $190,000,000 make?

Mr. HARRISON. I think the Senator is mistaken about the estimate of $190,000,000. The Treasury experts did say that for 1940—which is more than half gone—the so-called average base method, which our experts prepared, would yield about $190,000,000. However, I do not accept those figures. Even according to the Treasury experts the bill before the House would raise more than $300,000,000 in the first year; and I think their estimate is that it would raise about $900,000,000 in the second year. So it will raise quite a large amount of money.

Mr. President, I have said all I desire to say.

Mr. ADAMS. Mr. President, I cannot see that there are any complications. We have a rather simple situation. Certain defense items are subject to a profit limitation. The great field of ordnance stores or munitions is not subject to a profit limitation. We are trying to do by this amendment exactly what the Senator from Mississippi plans to do. We are trying to put the various elements of defense on a uniform scale, and make the same rate of limitation which now applies to airplanes, both for the Army and Navy, apply to ordnance supplies. At the present time there is no limit on the profits which may be made on ordnance supplies. We were told in the committee by some of those interested in airplane contracts that they were having difficulty in finding subcontractors, because there was a limitation under the Vinson-Trammell Act. The contractors would rather manufacture for the Ordnance Department, with respect to which they are not subject to a profit limitation.

The bill in which the Senator from Mississippi is interested will come before us subsequent to the passage of the pending bill. It will supersede it; and if it solves the problem, I think it will be a good bill. It seems to me that there is a gap in our protective system against excess profits, which we seek to close by the amendment.

Mr. BYRNES. Mr. President, I ask the Senator from Colorado if he will agree to modify his amendment by adding, in the last subsection, the words "now or hereafter" in order to carry out the intention expressed in the first paragraph?

Mr. ADAMS. I accept the suggestion.

Mr. BYRNES. Mr. President, I wish to state what the situation with reference to the matter of restrictions upon profits from contracts would be as a result of the adoption of the pending amendment.

Under the law as it stands today there is a maximum of 8 percent upon the profit of a contractor constructing airplanes. Under the provisions of the appropriation bill, which is to follow the pending bill, the maximum will be increased to 12 percent. Today there is no restriction on the profit of a contractor having a contract for ordnance of any kind, for guns, or for matériel.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BYRNES. If the Senator will permit me to conclude my statement, I shall be glad to yield to him.

If we should adopt the pending amendment to the bill now before us, the same provisions which apply under the existing law would apply to ordnance. If we should pass tomorrow the appropriation bill which is on the calendar, then the maximum of 12 percent would apply to everything. Is that the Senator's understanding?

Mr. ADAMS. It is. The amendment follows the airplane schedule.

Mr. BYRNES. Therefore, so far as the adoption of the amendment is concerned, I do not see how it can do any harm. I will say to the Senator from Mississippi that the situation which would then exist would be as follows:

We would have passed the pending bill, which makes a uniform provision as to profit for all matériel. That is the object of it. If tomorrow we should adopt the language of the House bill, which has been recommended by the Appropriations Committee, then under the language of this amendment as it now stands there would be a uniform provision, but it would be 12 percent. When the two bills go to conference, there is no danger unless this bill should reach the President for approval before the appropriation bill. In that event, for the time elapsing between the date the President should approve this bill and the date the President should approve the appropriation bill, the maximum of profits would be lower than it would be after the President should have approved the appropriation bill.

It is not a practical question, because we know there are so many questions at issue in the pending conscription bill that the appropriation bill will get to the President and will be approved before this bill will. When that is done, by reason of the language of the appropriation bill, the maximum rate will be 12 percent. It will then be uniform as to ordnance and as to guns and as to matériel of all kinds.

When the tax bill comes in, we are hopeful that it will not be so controversial as to result in delay; but, whenever it comes in, Congress can then do, in the provisions of the tax bill, whatever it sees fit. But if the Congress should disagree about it, and do nothing on the tax bill, there would be the restriction which is provided in this bill. Therefore, I think it is a safe thing and a wise thing to adopt the amendment of the Senator from Colorado. There would then be a restriction, but it would apply to all, and the maximum would be higher than it now is.

Mr. BARKLEY. Mr. President, will the Senator yield for a question for information?

Mr. BYRNES. Yes.

Mr. BARKLEY. If we adopt this amendment to the pending bill, and then, when the appropriation bill is taken up, if the language in that bill is adopted, and then, when we pass the tax bill, if the language carried in the House bill is adopted, will there be any conflict between the provisions?

Mr. BYRNES. No. The hope of the Appropriations Committee has been that the passage of the appropriation bill would relieve the difficulties that have been claimed to exist. Certainly, the amendment of the Senator from Colorado will do no harm. It will prescribe a uniform maximum rate of profit. It will prevent the argument that a man may go to the War Department and get greater profits for manufacturing a gun than for manufacturing an airplane.

My hope is, and the hope of the Appropriations Committee was, that when the Congress takes up the tax bill it will handle the situation in its entirety, taking the whole picture. It can do it, and whenever it determines what it wants to do it can write a simple line merely repealing this provision, if it desires to do so, and repealing the House provision, and deal with the whole question as the Congress sees fit; but I do not see that this amendment will do any harm. I think it will have a trend to uniformity, which is desirable.

Mr. BARKLEY. Mr. President, may I ask the Senator a question at that point?

Mr. BYRNES. I yield to the Senator.

Mr. BARKLEY. The language referred to being already in the appropriation bill as it came over from the House, as I understand, if it is adopted here, of course, it will be out of conference, it will be out of controversy, and will be in the bill when it goes to the President.

Mr. BYRNES. Yes.

Mr. BARKLEY. Will that eliminate the necessity for the Finance Committee or the Ways and Means Committee dealing with the question of profits?

Mr. BYRNES. Mr. President, that would be solely a question as to the views of the Congress. If the Congress should be satisfied with the provision, it would

Mr. BARKLEY. Unless the two revenue-raising committees desired to make a change?

Mr. BYRNES. Unless they desired to make a change. That is one advantage of this.

Mr. BARKLEY. There would be no controversy?

Mr. BYRNES. Unless the Finance Committee should think there should be a change and should report a change there would be a uniform provision as the result of the passage of these two bills. Then the Finance Committee would determine whether it wanted to change it, and, if not, it could handle the question solely through the instrumentality of amortization. That would be a matter for the committee to decide.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BYRNES. Yes; but I have told the Senator from Massachusetts [Mr. WALSH] that I would yield to him.

Mr. WALSH. Mr. President, as I understand the present law, so far as airplanes are concerned, there is a limit of profit to 8 percent. Also, so far as naval vessels are concerned there is a limit of profit to 8 percent. They are the only two industries in the whole country as to which there is a limitation upon the profits which may be made, and that limitation is only on Government contracts. Am I correct?

Mr. BYRNES. Yes.

Mr. WALSH. Now the Senator indicates that in all probability the tax bill will repeal the provisions fixing that limitation of profits in those two particular instances on Government contracts, and put those industries, like all other industries, under a general excess-profits tax. Am I correct?

Mr. BYRNES. I am not on the committee, but I understand that that procedure has been discussed.

Mr. WALSH. This proposal is that between now and a few days from now we shall go back to the old law of 12-percent profit for the manufacture of airplanes and 10-percent profit for the manufacture of naval vessels. Is not that the proposition?

Mr. BYRNES. Not exactly. That is a proposition which is in the appropriation bill, not in this bill.

Mr. WALSH. The Senator is proposing to change the present law. That is true, is it not?

Mr. BYRNES. The amendment of the Senator from Colorado, which is pending, changes the law. It provides that all the provisions of section 3 of the act of 1934—the Vinson-Trammell Act—as now or hereafter amended shall be applicable to all ordnance supplies of the Army and Navy, making them all equal. The purpose of this particular amendment, as I read it—and I am sure I am right—is to make the rates of profit for the manufacture of aircraft guns and of ordnance of any character uniform with the rates fixed in the law which the Senator refers to, and which he introduced.

Mr. WALSH. The amendment seeks to reach out and put a new class of industries under the rate of 12 percent, limiting to 12 percent the profit of manufacturers of other munitions?

Mr. BYRNES. No; that is not exactly what the amendment does.

Mr. WALSH. But does it change the present law of 7 and 8 percent?

Mr. BYRNES. No; it does not.

Mr. ADAMS. It does not. It only fixes the rate on ordnance supplies, as to which no rate now exists. It attaches that rate to the airplane rate, and makes it follow the airplane rate wherever it goes.

Mr. WALSH. I am sorry the amendment is not in writing, so I have to ask these questions.

The proposal of the Senator is to let the law remain with the 7 and 8 percent limitation of profits on the part of manufacturers of naval vessels and manufacturers of naval and Army aircraft under contract by the Government, and to put a limitation of profits of 12 percent on other manufacturers?

Mr. BYRNES. If the Senator will allow me, I can state the matter in a second. This proposal simply means that whatever rate is heretofore adopted for airplanes shall apply to all other things.

Mr. WALSH. To what industries does the limitation of 12 percent apply?

Mr. BYRNES. If the bill were signed right now, the maximum profit would be 8 percent, because today the law is 8 percent; but the amendment refers to the Vinson-Trammell Act as now or hereafter amended. As the act now stands the rate would be 8 percent. Should the Congress pass the appropriation bill, which raises the rate to 12 percent, then under this amendment it would be raised to 12 percent.

Mr. WALSH. So the proposal, then, if I have it correctly, is to make the rate 8 percent on this class of munitions or on any matériel other than naval vessels and airplanes, and to have that rate remain until a change is made in these rates either through the appropriation bill or through the excess-profits tax?

Mr. BYRNES. That is a correct statement.

Mr. WALSH. What is the object in prescribing a limitation of profits for a few days in the case of these particular industries?

Mr. BYRNES. The Senator from Colorado [Mr. ADAMS] offered the amendment. I am not offering it, but my statement was that I saw no objection to it for this reason: If the amendment is adopted, it will apply a uniform rate. We have often had great hopes about passing a tax bill in 2 days and had it actually take a longer time. I assume that is one of the things that induced the Senator from Colorado to offer the amendment, so that there would be a uniform rate applying until such time as the tax bill was approved; that is all.

Mr. WALSH. So, even if this amendment is adopted, until some other bill is brought before the Senate there will be no change in the existing rates of 7 percent plus fixed fee contracts and 8 percent applicable to manufacturers of naval vessels and airplanes on fixed fee contracts. Is that correct?

Mr. BYRNES. That is correct; but there would be a change in the case of guns and torpedoes and ordnance for the Army. They would be on the same basis with airplanes.

Mr. WALSH. Mr. President, I wish to be heard on this amendment.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. RUSSELL. Mr. President, in my opinion the amendment offered by the Senator from Colorado should be agreed to. At the present time there is almost unspeakable confusion because of the various limitations on profits allowed those who enter into contracts with the two departments of the Government charged with national defense. The pioneer piece of legislation in limiting profits was the so-called Vinson-Trammell Act, which placed a limitation on profits which varied in amount on the different articles which might be acquired by the Navy Department, and which did not apply to purchases and contracts which might be made by the War Department.

Within the past several weeks a bill has been passed by the Congress and signed by the President which reduced the profits on airplane contracts to 8 percent in the case of contracts which were let to competitive bidding, and which limited the profits to 7 percent where contracts were negotiated without any competitive bids. In other words, under cost-plus contracts which are today entered into by the War Department and the Navy Department for the purchase of airplanes the profits are limited to 7 percent. That is the only limitation provided by existing law on contracts entered into by the War Department.

The Senator from South Carolina was in error in saying that the profits on all ordnance supplies which are now purchased are limited. When the War Department goes into the market to buy a 5-inch antiaircraft gun, there is absolutely no limit whatever on the profit which may be made by the contractor who supplies that 5-inch antiaircraft gun. When the Navy Department, the first line of defense, goes into the market to acquire a 5-inch antiaircraft gun, it is bound by the provisions of the Vinson-Trammell Act, which limits profits which a manufacturer may make to 8 percent in case the contracts are let to bidding after advertisement, and 7 percent in the case of contracts negotiated on the cost-plus basis.

This has resulted in great injury to the Navy in its purchases. The evidence before the committee considering the appropriation bill showed that the Navy could not buy armaments, they could not buy guns for ships now in course of construction, because they were limited in the profits the manufacturer might earn, whereas the Army and foreign-purchasing commissions have no limitation whatever.

I do not desire to take the time of the Senate by going into the hearings in any detail, but I do wish to make a brief quotation from the statement made by Admiral Furlong, and I hope the members of the Senate will pay attention to it. He said:

Now, the Vinson-Trammell Act was an excellent act, and one of the first acts that put a curb on excess profits, and was an act that I was very much in favor of and operated under it for a number of years. It is a piece of pioneer legislation in its field of limiting profits that should have been extended to the purchases of all departments of the Government. The Navy had no trouble whatever—

That is, they had no trouble whatever in making contracts under this limitation of profits—

until business picked up and the Army having increased appropriations began to buy guns without the operation of the Vinson-Trammell Act, and the foreign nations and other Government departments buying without the operation of the Vinson-Trammell Act has caused business from the Navy to be unattractive.

I asked him this question:

Senator RUSSELL. So it is a question then of profits. They can get more profits by dealing with the British Purchasing Commission and the Army than they can by dealing with the Navy?

Admiral FURLONG. That is right, except as to aircraft of the Army which is under the same provision.

Mr. McKELLAR. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. In that connection, insofar as Army aircraft are concerned, the provisions of the act and the amendment of the act have brought about the trouble in making contracts. General Brett testified before our committee, as the Senator will recall, as follows:

Then when on June 28, the bill was approved, which cut the 12-percent limitation to 8-percent limitation, that threw all of our prospective contracts in the wastebasket, simply because the contractors had to readjust all of their prices and had, in connection with the intangibles, less opportunity to make a just bid and today they will not sign a contract under the 8-percent limitation because there are too many intangibles.

Referring to taxes and like things. It is for that reason, among others, that I think the sooner we enact a uniform law applying to all these purchases, putting a ceiling, if we can, on the profits contractors may make, the better it will be, and for that reason I propose to vote for the amendment. It is virtually the same provision that is in the appropriation bill which will come before the Senate after the pending bill has been disposed of, and I hope that those in charge of the bill will accept the amendment which has been offered, and take it to conference, so that a uniform act and a uniform ceiling may be provided.

Mr. RUSSELL. Mr. President, I agree with the philosophy of the Senator from Tennessee; but I do not agree with his statement that the appropriation bill soon to come before the Senate will iron out all these difficulties.

Mr. McKELLAR. I do not think it will. But it will make the provisions as to profits more uniform, and then the difficulties may be ironed out.

Mr. RUSSELL. As I understand the bill, it restores the profits aircraft manufacturers may take from the present limit of 8 percent to 12 percent, and it changes the profits which shipbuilders may make from the present limit of 10 percent to 8 percent. That is what the appropriation bill as reported by the Committee on Appropriations will do. But that provision does not touch in any way the difficulty we are encountering, because of the fact that the Navy is bound down by a limit on profits, and the Army has no limit whatever on the profits which may accrue to those contracting with the Army.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I have only a short time. I hope it will be a brief question.

Mr. TAFT. I should like to know whether this amendment does not also extend those limits on profits to contracts made under the Bureau of Ordnance of the Navy, covering the very large amount of Navy contracts which are not now covered, as well as to all Army ordnance contracts.

Mr. RUSSELL. I do not so understand. If I understand the existing law there is now a limit on the profit which may be made on any purchase the Navy Department may make.

Mr. TAFT. I think the Senator is in error. I do not think it applies to the Bureau of Ordnance of the Navy.

Mr. RUSSELL. Admiral Furlong, who appeared before the committee, testified specifically that it did apply to the Bureau of Ordnance, and used the illustration of antiaircraft guns of 5 inches which he was trying to purchase as having been held up by this provision.

This amendment has one great virtue; it makes uniform the limitation on profits which may accrue to all those doing business with both the War Department and the Navy Department. It removes a handicap under which the Navy is laboring at the present time, being bound down by the limitation on profit, while there is no limitation whatever on the War Department.

I concede this is a matter which should be dealt with in the tax legislation which we hope will soon be before the Senate, but certainly in the interim we should endeavor to make profits uniform. Then, when the tax bill comes along, and permanent law is written, we can deal fairly and equitably with all those who may do business with the War Department or the Navy Department. I assume that the tax bill will revise this amendment, which merely seeks to place all the contracts for war matériel of every kind on exactly the same basis, and limit the profits which are allowed at the present time on aircraft.

Mr. TAFT. Mr. President, I think it should be stated that the head of the Ordnance Departments of the Army and the Navy also appeared before the Committee on Appropriations and opposed the amendment, as I recall.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. RUSSELL. The head of the Ordnance Department of the Army was very vigorous in his statement against the amendment, but the testimony of the admiral representing the Navy was not, as I understood it, against the amendment. The admiral stated the Navy wanted to be put on the same basis as the Army.

Mr. TAFT. No; that was Admiral Furlong's testimony. The Senator is in error. As a matter of fact, the present limitation applies only to completed naval vessels and to aircraft. It does not apply to naval ordnance, and the effect of the amendment is to extend the profits limitation to all naval ordnance and to Army orders of every kind. The admirals and the general who appeared before us stated that it would seriously interfere with the development of the defense program, and it would. It has interfered in the particular case of aircraft, and now, instead of trying to advance the program, we are extending the same limitation to all Army ordnance, to all naval ordnance, to all kinds of orders to which it does not apply. As I understand, we are to extend this limitation on the theory that before the act goes into effect we shall repeal it in the tax law. Of all the legislation I have ever heard of, the proposed legislation seems to me to be supported by the weakest argument.

Mr. GEORGE. Mr. President, I think there is some misapprehension about what effect the tax law will have on this particular problem. The tax bill will not deal with specific profits upon specific contracts. All the tax bill which is now before the House undertakes to do is to suspend the provisions of the limitations of the Vinson-Trammell Act for a period of 5 years, or for a fixed period. The excess-profits tax will be a tax levied upon the total income of every corporation, ostensibly, at least, or theoretically for the purpose of imposing a tax upon the total net incomes of corporations during the taxable year.

One complication may arise as the result of the adoption of the amendment, or of any similar amendment. If, during the time the amendment is in force, let us say, the manufacturer of anything the Army or Navy desires to buy, contracts with the Government, and is given a guaranty of 8, 9, 10, or 12 percent, or whatever the percentage of profits may be, the contractor may say, when the excess-profits tax is applied to him, "On this specific contract I have dealt specifically with the Government and you cannot cut down the profits which I have by contract secured from the Government."

Whether or not that would be a valid plea I do not know, but the point I am trying to make clear is that the excess-profits tax will not deal with specific profits upon ships, airplanes, ordnance, or any other particular thing. It will deal only with the total income derived by the corporation from Government contracts, as well as from contracts with private individuals or private concerns.

The material point is that when we come to consider the excess-profits tax we may have some trouble because of contracts which have been made under a provision of law which authorizes the Government to bind itself to pay a specific profit, say, of 10 or 12 percent.

Mr. TAFT. Mr. President, does the Senator mind if I complete my remarks, because my time may soon expire?

Mr. GEORGE. I will obtain the floor later, and let the Senator have his time now.

Mr. TAFT. We may or may not repeal the Vinson-Trammell Act. No one knows whether the Senate will agree to do that. It has been pointed out by the Senator from Georgia that, after all, the mere imposition of an excess-profits tax may be an excuse for repealing it, but it is hardly a conclusive reason for repealing it. Whether the Senate, particularly in its present frame of mind, will repeal it, I do not know. If we do not repeal it we will extend to all contracts for orders by the Army and the Navy this profit limitation, a limitation which interferes with the development of the defense program. Of course, it is not fair to speak only of, let us say, a 12-percent profit, because the manufacturer may lose 12 percent. He takes all the risk of loss and is only limited in his profits.

In addition to that it imposes upon the contractor a special cost accounting; it makes necessary long negotiations with the Treasury Department to determine exactly how the contractor obtains a 12-percent profit and how much capital he can count in, and all sorts of complicated provisions.

It is an imposition which I think interferes seriously with the present contracts to which it applies, except possibly in the case of finished naval vessels, as to which the accounting has been worked out for many years, but I certainly do not think it should be extended to all the rest of the preparedness program.

It is urged that we adopt the draft act on the theory that we shall make some headway for defense, and because of the emergency we must adopt it tonight, we must make speed and vote on it, and then in the legislation we impose a limitation which will cause delay and interference in the real bottleneck, the production of equipment rather than enlistment of personnel.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BYRNES. I simply wish to say that the tax bill provides that section 3 of the act of March 27, 1934, the Vinson-Trammell Act shall not apply to contracts, or subcontracts for the construction or manufacture of a complete naval vessel, or any Army or Navy aircraft, or any portion thereof, which are entered into or completed in any taxable year.

If that provision is adopted, I think there will be no reason for the adoption of the amendment of the Senator from Colorado, but even if the Senator's amendment is adopted and goes to conference, the matter can be worked out, if the Congress later adopts a tax bill such as that under consideration.

Mr. TAFT. If the Senate adopts this legislation, and it is then repealed before final action on the measure, it certainly is not going to do any harm, but that is the most extraordinary method of legislating I have ever heard of.

Mr. BYRNES. If we do not adopt the tax bill, however, there will be a uniform provision enacted into law.

Mr. TAFT. Yes; exactly, covering probably four times the number of contracts to which the present limitation applies, and interfering four times as much with speeding up the national-defense program.

Mr. BYRNES. If the limitation of profits were fixed at 8 percent it would, but not if the limitation were fixed at 12 percent.

Mr. LUNDEEN. Mr. President, we have heard much argument about profits and taxes, and so forth. The farmers of Minnesota and the Northwest have some ideas about that matter, too. They look with disfavor upon armament, and profits resulting from war. I have before me three short editorials published in Wallaces' Farmer, which I ask to have printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From Wallaces' Farmer of October 7, 1939]

"DON'T SELL GUNS TO EUROPE"—SURVEY SHOWS THAT IOWA FARMERS OBJECT TO REPEAL OF EMBARGO

"Will repeal of the arms embargo help get us into war?" This question was uppermost in the minds of Iowa farm people as they answered the survey question: "The present neutrality law forbids shipments of arms and munitions to warring nations. Do you think this should be changed so that any nation could come here and buy arms on a cash-and-carry basis?"

Less than a third of Iowa's farm voters—both men and women—agreed with President Roosevelt that repeal of the embargo would be desirable.

Also half agreed with Senators LA FOLLETTE, of Wisconsin, VANDENBERG, of Michigan, and CLARK of Missouri that repeal would weaken the barriers the Neutrality Act sets up against American participation in war.

One-fifth were still undecided. The boom of oratory in Congress and of big guns over the water will probably drive these to a decision. If they divide according to the above opinions, the final count will be: Against repeal, 60 percent; for repeal, 40 percent.

Iowa farmers are already on record on the cash-and-carry plan applied to nonmilitary goods. Last winter, Iowa farm people approved such a plan by a 78-percent "yes" vote.

At that time the cash-and-carry provision was in the Neutrality Act. It expired in May. Both factions in Congress favor its restoration, and no matter how the embargo fight goes, the cash-and-carry program will go back into the law.

Last winter, also, Iowa farmers were asked if they would approve the cash-and-carry plan if its operation reduced prices of lard and pork, and 76 percent voted "yes."

The amendments now before Congress represent a compromise between the President, who declared he regretted he had ever signed the Neutrality Act, and the supporters of that act.

Instead of weakening the act, aside from embargo repeal, the amendments put back into the law the old cash-and-carry provisions and tighten up restrictions. Thus far the bill represents a victory for the group that calls itself the "peace bloc."

But on the other side, the bill drops the embargo section entirely and permits any nation to come to our shores, pay cash, and take away arms and munitions.

Under the amended act our ships would not carry goods of any kind to warring nations, our citizens would not be allowed on belligerent ships, and severe penalties would be visited on those who violated the rules. Many incidents that aroused our anger at Germany and Great Britain in 1914–17 could hardly occur again.

But if the arms and munitions embargo is also repealed the amended Neutrality Act might leave the United States as vulnerable to a war boom as in the World War. Friends of the embargo claim an arms boom would help bring a fake prosperity here, would tend to involve us in war, and would make the postwar crash more severe.

MEN SAY "YES"

No, 40 percent.
Undecided, 17 percent.
Yes, 43 percent.

The charts show the way men and women split on the issue of repealing the arms embargo. A narrow plurality of men want the embargo repealed; a majority of women want it retained.

WOMEN SAY "NO"

No, 56 percent.
Undecided, 24 percent.
Yes, 20 percent.

To find quickly Iowa farm views on various subjects, Wallaces' Farmer and Iowa Homestead has followed the method a farmer uses in taking a sample of corn from his crib to find out how the corn grades. He doesn't need to test every kernel in the crib to learn whether the corn is No. 3 or No. 4. All he needs to do is to be sure that his small sample is representative of the corn throughout the crib.

So Wallaces' Farmer and Iowa Homstead takes samples of Iowa farm families scattered over the State, with the proper balance

between age groups, men and women, Democrats and Republicans, and owners and renters.

By interviewing this sample of Iowa farm people, we have been able to discover, with surprising accuracy, how the whole Iowa farm group feels on current issues. A preelection survey in 1938 checked very closely with the actual farm vote.

The present neutrality law forbids shipments of arms and munitions to warring nations. Do you think this should be changed so that any nation could come here and buy arms on a cash-and-carry basis?

	All farmers	Over 35 years	Under 35 years	Landon voters	Roosevelt voters
Yes	32	33	25	26	35
No	48	47	55	48	48
Undecided	20	20	20	26	17

[From Wallaces' Farmer of September 9, 1939]

NO BLOOD HERE

The greatest service the United States can give the world today is to keep one great country—our own—free of war.

Starvation, mutilation, and hate will be the rewards of both victor and vanquished in a war today. The hatreds created by the 1914–18 struggle lived on to make this new war crisis. The hatreds revived by a new war would be a danger for generations to come.

The task of the United States is to keep its head above the fog of war, to refuse to share in the hatreds of conflict, and to be ready—as a friend of the common people on both sides—to help negotiate a peace without victory or revenge.

Fortunately, the United States is not menaced by anybody. No nation wants to add to its troubles now by taking us on. After a new war, both victors and vanquished would be too weak to fight us even if they were crazy enough to want to. We can concentrate on keeping out of trouble, paying the high cost of neutrality, and preserving within our borders one great area where men are exchanging goods instead of bayonet thrusts.

Our problem here is to produce and distribute enough goods to keep our people well fed, well housed, and well clad. We need not and must not degenerate to the place where one-third of our energy is spent making tools to kill other fellow citizens of the world.

[From Wallaces' Farmer of October 7, 1939]

FARMERS ALWAYS LOSE IN WAR

It's a lot easier to expand than it is to cut down. That's what older farmers are remembering these days when some folks talk about the benefits war demand might bring to the United States.

When war demand is strong and prices are high everything seems fine, but when the war demand stops—ouch! Remember the summer of 1920? War demands had stopped; the Federal Reserve Board pulled the plug on inflation and farmers took a beating.

That's the trouble with war demand in every line. The folks who make trucks and clothes and shoes for the armies have to trim down production fast when the war ends.

Those who make ammunition and tanks and airplanes are in a still worse state. Their business drops off 100 percent, while farmers and other industries may only have a cut of 10 or 20 percent.

One of the things that helps make a severe depression after a war is the inevitable collapse in the armament business. If the United States refuses to sell arms to anybody, we will at least keep one boom-and-bust element out of our economy.

An arms boom wastes the labor and the materials used in it. Those men and materials had just as well be used making houses and tools for our own folks, instead of making weapons for destruction abroad. And an arms boom certainly flattens out faster than anything else when peace comes.

There are enough middle-aged and elderly farmers left to remember the troubles that came after the last war. This time let's not expand until we are sure the war market will pay parity prices. If expansion should seem desirable—it may not be needed at all—then let's be ready to shrink production the second peace comes.

Mr. TOBEY. Mr. President, I am interested in the colloquy concerning the Vinson-Trammell Act because, in 1934, as a Member of the House, I was the author of the profit-limiting amendment to the Vinson-Trammell Act which placed a limitation on profits at 10 percent. The Senate adopted that limitation. At that time Senator Trammell was chairman of the Committee on Naval Affairs.

Since that act was passed, it has been revised or amended two or three times.

Admiral Peoples himself said before the House Appropriations Committee, that it was the finest piece of legislation, from the standpoint of the Navy, that was ever passed.

In the years 1934 to 1940 there have been about four million dollars plus actually returned to the Treasury, and there are contracts now under investigation in the Treasury Department and new contracts which may result in eventually bringing in to the Treasury, under the Vinson-Trammell Act, $75,000,000 to $100,000,000. I know of no other legislation that has brought such large sums back into the Treasury, but I do know of much legislation which has resulted in taking great sums from the Treasury in past years.

This profit limitation now covers only naval contracts and Army aircraft contracts. I think in justice it should also cover Army ordnance contracts. I think it should apply to all procurement by both the Army and Navy.

Mr. President, I favor the adoption of the amendment of the Senator from Colorado for these reasons. It will produce worth-while results. It is a piece of legislation which, in my judgment, is approved by the Navy and is approved by the Treasury Department.

In recent years the law has been amended to allow contractors to charge off losses against profits, and I believe it to be a fair and just law. Of course, its operations call for necessary auditing and accounting, but auditing is also necessary in connection with incomes of corporations and individuals.

I should hate very much to see the provisions of the Vinson-Trammell Act stricken off the books at the present time, except by the passage of emergency excess-profits legislation, which is contemplated, as announced by the Senator from Mississippi. That may be all right for the duration of the emergency, but I hope until such excess-profits legislation becomes law that we may adopt the Adams amendment and broaden the application of the Vinson-Trammell law to cover Army ordnance contracts as well as naval-construction contracts and contracts for Army aircraft.

Mr. HARRISON. Mr. President, I wish to ask the Senator from Colorado a question. Of course, we are all striving to accomplish the same thing; that is, to provide an equality of treatment.

We can appreciate the force of the Senator's amendment, and the motives behind it. We are trying to hasten the tax bill, making provision to suspend the Vinson-Trammell Act. On Wednesday of next week, the second day of the hearings, we expect to have a representative of the Defense Council—probably Mr. Knudsen—before the committee. If we should find, after a study of the amendment, that it would complicate the situation, and we can report our bill and obtain action by the Senate in time, I am sure the Senator will cooperate with us to remove any entanglements in the matter when the bill goes to conference.

Mr. ADAMS. I shall be most happy to help. We are trying to reach the same goal.

Mr. HARRISON. I am sure there will be no trouble about it. With that understanding, I will say to the Senator from Texas [Mr. SHEPPARD] that, so far as I am concerned, I am willing to have the amendment adopted.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Colorado [Mr. ADAMS] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. GIBSON. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont to the amendment reported by the committee will be stated.

The CHIEF CLERK. At the appropriate place in the bill it is proposed to insert the following:

While this act is in effect, in order to separate the military and naval departments as far as possible from the civil administration of the Government, after January 1, 1941, all Regular Army, Navy, or Marine Corps officers shall not be eligible to hold positions in the Government other than under the War or Navy Departments: *Provided, however,* That this shall not apply to military or naval attachés or to officers assigned to any agency established to administer this act.

Mr. GIBSON. Mr. President, this is not a very important amendment, and I shall not press it very extensively; but in theory and policy I believe it to be right. The purpose of the amendment is, so far as possible, to separate from the

civil administration of the Government the Army and Navy officers. For the time being we are creating a large temporary armed force. The cry is raised that this is the first step toward dictatorship or fascism. For that reason, and because it is a matter of sound policy for any government not to have army and navy officers in key positions of the government, I think the amendment should be agreed to. While the act is in effect, the amendment would bar any Regular Army, Navy, or Marine Corps officer from holding a position in the civil administration of the Government.

I have before me a list, furnished me by the War and Navy Departments, of officers who would be affected.

From the Army, the amendment would affect Colonel McCoach, Major Snow, and Captain Person, of the Corps of Engineers, in the District of Columbia government. It would affect Colonel Connolly, the Administrator of the Civil Aeronautics Authority; Colonel Fleming, of the Corps of Engineers, Wage and Hour Administrator; Colonel Harrington, W. P. A. Administrator; Lieutenant Colonel Somervell, W. P. A. administrator in New York; Majors Leavey, Riani, Robinson, and Wyman, and Captain Robinson, of the Corps of Engineers, who are also connected with the W. P. A.

In the Navy it would affect Commander Vickery, of the Maritime Commission, and Lieutenant Commander Easton, of the Maritime Commission.

In the Panama Canal Zone it would affect Captain Stewart, Commander Vytlacil, Commander Howard, Lieutenant Price, and Lieutenant Hinners.

Those are all the officers the amendment would affect.

Mr. President, I want it clearly understood that I have the greatest respect for every one of the Army and Navy officers who is now administering a civil branch of our Government. I think the only one with whom I have had any talk is Colonel Harrington, for whom I have the greatest respect. I think he is a very able man and a fine executive. However, I believe that when we are creating an enlarged Army and Navy, and when we need in this crisis all our officers, upon whose education and training we have spent money, they should not occupy key positions in the civil administration.

For that reason and because I believe in that policy, I have offered this amendment, to the effect that after January 1 next no Regular officer of the Army, Navy, or Marine Corps shall hold a position in the civil administration of our Government.

That is all I wish to say.

Mr. BARKLEY. Mr. President, I wish to say only a few words. From time to time authority has been granted by the Congress to the President to appoint Army officers to certain civilian positions. There are not many of them. Except in the case of Colonel Harrington, who has charge of the W. P. A., only a small part of the Government's activities would be affected. If the amendment of the Senator from Vermont were adopted, it would be impossible for the Engineer Commissioner of the District of Columbia to serve. He is serving in that capacity as the result of a law which Congress has enacted. It has been thought wise that at least one of the three Commissioners of the District of Columbia should be an Army engineer. From time immemorial one of the three Commissioners has been an Army engineer.

Only about 3 or 4 weeks ago Congress passed an act, practically by unanimous vote of both Houses, authorizing the President to appoint Colonel Connolly as Administrator of the Civil Aeronautics Authority, to succeed Mr. Hester, who had resigned.

In each case there have been special reasons why an Army officer should be detailed. The same thing is true in the case of Colonel Fleming, who is the head of the Wage and Hour Division of the Department of Labor.

Men frequently complain about politics in certain activities of the Government. If there is anything that will guarantee that partisan politics will not be brought into the administration of any division of our Government, I think it is having an Army officer in charge of it. That is particularly true with respect to the W. P. A., the Wage and Hour Division, the Civil Aeronautics Administration, and the District of Columbia. So I think it would be most unfortunate if, by this amendment, Congress should nullify what it has from time to time done in authorizing the President to place in charge of certain activities experts—engineers for the most part—engineers who are not politically minded, who are unbiased, who are for the most part straight thinkers and, in the cases to which my attention has been thus far called, good administrators.

Therefore, I hope the amendment of the Senator from Vermont will not be adopted.

Mr. GIBSON. Mr. President, I think the principle of the amendment is right. During the period when the bill the Senate is now considering is in effect and we are to draft a great number of men into the armed service of the country and train them—and I very much favor the bill—I think it is wrong in principle to use Army and Navy officers in the civil administration of our Government. I agree with the Senator from Kentucky that most of those who have been chosen—so far as I know, all of them—are able men.

Mr. BARKLEY. Mr. President, if the Senator will permit me to say so, there are not enough of them in the aggregate to have much effect on the training of the men who are contemplated in this bill, and it might very seriously affect the administration of the agencies in which they are now serving.

Mr. GIBSON. The Senator is quite correct. There are not enough in the aggregate; but when we are to have an army of 1,200,000 men, or thereabouts, what I object to is having also under the control of the Secretary of War and the Secretary of the Navy men in key positions in the civil administration of the Government. It is the principle of the thing, not the actual practice as it is now, to which I object.

I do not desire to press the matter further.

Mr. DANAHER. Mr. President, I should like to submit a question to the Senator from Kentucky, if I may. The question is, in view of the argument offered by the Senator from Kentucky, whether or not under the law as it now stands an Army officer or a naval officer who is performing a civil administration function is, while so performing that function, subject to the orders of the Secretary of the Navy or the Secretary of War, as the case may be.

Mr. BARKLEY. It is my opinion that he is not. In the special acts we have passed, we have authorized the President to make the appointment. For instance, the last one was Colonel Connolly, appointed Administrator of the Civil Aeronautics Administration. Of course that makes him, to all intents and purposes, a civil administrator. There was some provision that he should draw the difference between his salary as a colonel and the salary attached to the position of Administrator, but that is a mere incident. I do not think such officers remain under the control of the Secretary of War and the Secretary of the Navy in the same sense as if they were still actively serving in the Army or the Navy. I think they are more under the control of the Commander in Chief of the Army and Navy; that is, the President of the United States.

Mr. DANAHER. Mr. President, one other question, if the Senator from Kentucky will bear with me. Let me say at the outset that the point which has been raised by the Senator from Vermont, as a matter of principle, appeals to me; and if there is to be such a concentration of power that one can envisage an Army administrator or a Navy administrator at the head of every one of the civil departments of our Government, all answerable to the Commander in Chief, at a time when this vast Army is being raised, if in fact, as a matter of military or naval discipline, they are subject to the orders of the Commander in Chief, there may, as a matter of principle, exist a very real possibility of danger to our democratic institutions. I therefore ask the Senator from Kentucky, if such officers be subject to the Commander in Chief, should we not properly take such steps as are necessary to exempt them from being so subject while this particular bill is in force, and the powers created by it are in operation?

Mr. BARKLEY. I will say to the Senator that it cannot be done by the President except by a special act of Congress.

An act of Congress is required to authorize the President to appoint an Army officer to a civil position. An act was required to authorize him to appoint Colonel Connolly as the Administrator of the C. A. A. A special act was required to authorize him to appoint Colonel Fleming head of the Wage and Hour Division of the Labor Department.

The same thing applied to Colonel Harrington. So the Congress may control the matter, so far as the future is concerned, by refusing to enact any law authorizing the President to appoint an Army officer to any civilian position, and, of course, it may repeal the law already enacted. This amendment in effect does that by repealing at one time all the special acts which have been passed by Congress authorizing this action. Even from the standpoint of principle, with due deference to my friend from Vermont, I do not think it involves such danger to the civilian activities of the Government as to justify any worry on the part of Senators on account of it, because certainly it cannot expand in the future unless Congress sanctions it.

Mr. DANAHER. Mr. President, will the Senator permit another question?

Mr. BARKLEY. Yes.

Mr. DANAHER. We adopted today the Russell-Overton amendment, which contains language to the effect that the Secretary of War and the Secretary of the Navy may operate the plants which for one reason or another they take under their control either by Government personnel, the amendment says, or by contract with private firms. Assuming that the Government personnel should in fact turn out to be men who, for training and service within the meaning of this act, are placed in charge of operating industries which have been so sequestered or condemned, does not the Senator feel that we should not subject our civil administration, with reference to the officers whose names have been mentioned by the Senator from Vermont, to the possibility of their being placed in charge of industry?

Mr. BARKLEY. No. For instance, if the Government tried to take over by condemnation proceedings a plant manufacturing cannon, I do not see anything harmful in having some Army officer who knows cannon, and who knows what sort of cannon we need, in charge of such a factory. The same thing would apply to tanks. The same thing would apply to army trucks. Nobody can tell in advance whether or not the Government is going to take over a single plant, and I anticipate that not a single plant will be taken over by condemnation proceedings unless there has developed such a controversy or disagreement between it and the Government as to make it necessary to go into court and proceed, under condemnation proceedings, to take possession of it.

It certainly would not be contemplated, however, that the Government would take over very many plants. As stated during the debate, probably only about 2 percent of those manufacturing Government material would come under the category in which there is any disagreement, and that is such a small percentage that it would not involve much danger. But I think it would be a mistake to deprive the Government of the right to place in charge of a factory, if it took it over, some man qualified because of his experience in the Army to direct the type of product that was to be produced, and to see that the requirements of the Army were carried out to the fullest extent.

Mr. DANAHER. Mr. President, I thank the Senator from Kentucky for his courtesy and his cooperation in answering the questions which were bothering me with reference to his argument. I will say briefly that I certainly agree with the Senator from Vermont in his approach to this question, and wish to say also that his position is typically Vermont. Ruggedness and earnestness and steadfastness in principle mean something in Vermont and to him, and they stick out all over him. I respect him for his good old Vermont principle, and I appreciate his approach to the question.

Mr. GIBSON. Mr. President, I appreciate the statement of my neighbor from the Nutmeg State.

I desire to answer the question which the Senator from Connecticut asked the Senator from Kentucky.

Of course, any officer detailed to civil duty is under some control of the Secretary of War or the Secretary of the Navy, as the case may be. His job, his very future, depends upon his superior, and unless he does what that particular official desires he probably will never get a promotion. He never will be a general or an admiral at least; so that he is under his control.

I still insist that the principle is a dangerous one. It is not of practical effect just now, but it might be; and I desire to be on record as being against the principle.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. GIBSON] to the amendment of the committee, as amended.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MALONEY. Mr. President, I call up the amendment I have on the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

Mr. ADAMS. Mr. President, I ask the Senator from Connecticut to yield in order that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for that purpose?

Mr. MALONEY. I yield.

Mr. ADAMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Sheppard
Andrews	Donahey	Lodge	Shipstead
Ashurst	Downey	Lucas	Slattery
Austin	Ellender	Lundeen	Smathers
Bailey	George	McCarran	Smith
Bankhead	Gerry	McKellar	Stewart
Barbour	Gibson	Maloney	Taft
Barkley	Glass	Mead	Thomas, Idaho
Bone	Green	Miller	Thomas, Okla.
Bridges	Guffey	Minton	Thomas, Utah
Brown	Gurney	Murray	Tobey
Bulow	Hale	Neely	Townsend
Burke	Harrison	Norris	Truman
Byrd	Hatch	Nye	Tydings
Byrnes	Hayden	O'Mahoney	Vandenberg
Capper	Herring	Overton	Van Nuys
Caraway	Hill	Pepper	Wagner
Chandler	Holt	Pittman	Walsh
Chavez	Hughes	Radcliffe	Wheeler
Clark, Idaho	Johnson, Calif.	Reynolds	White
Clark, Mo.	Johnson, Colo.	Russell	Wiley
Connally	King	Schwartz	
Danaher	La Follette	Schwellenbach	

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Ninety Senators having answered to their names, a quorum is present.

Mr. MALONEY. Mr. President, because I have earlier explained the substitute proposal which I have offered it is perhaps a little unfair that I take even these few minutes of time as we approach a final vote on the pending bill, but there are two or three things I should like to make clear.

During the past several days I have been accused by a few people of having delayed final action on the bill. I should like now to insist that I have done everything within my limited power to help expedite consideration of the bill. Several days ago I talked with the majority leader and urged him to hold night sessions. My record as a Member of the Senate and as a Member of the House of Representatives completely sets aside any of the accusations made that I would do anything to delay preparations for national defense.

The records of the Committee on Appropriations—and I am a member of the subcommittee handling Army and Navy appropriations—will disclose that in many instances I was ahead of the Army and Navy, and they will show that I was responsible for increasing certain appropriations and adding to the material and equipment for the Army and the Navy by increasing appropriation bills. I think members of the committee will agree that, insofar as one naval appropriation bill is concerned, my suggestion and insistence were responsible for adding $100,000,000 for the purchase of airplanes.

Mr. President, I shall not use up my time in a further discussion of that matter, but I do desire to point out and reinsist that no one here has been more concerned with national defense than have I.

I stated last Wednesday that I was in sympathy with the noble effort behind the so-called Burke-Wadsworth bill. I stated at that time, and earlier, that I hoped the bill would pass in some form. I said then that I believed it was a peace measure, and I should like to say now, and again, that I regard it as a peace and protective proposal, in whatever form it may pass.

If it be true, as so many have charged here and outside, that we are drifting toward war, let me point out that much of the hysteria grows from what is said in the United States Senate.

I ask Members of this body to review the proceedings of this day as they attempt to come to a conclusion upon the substitute which I offer. I stated in the beginning that I offered it with the hope that I might help to bring about a meeting of the minds of the American people. I said then that I believed that never before in our history so much as now was there a need for national unity. I stated then, and say again, in connection with the pending bill, that the country has been tearing itself apart at a time when there was a crying need for further unity. Proof of every statement I made and every fear I expressed was given in this great deliberative body this afternoon when we heard one Senator of the United States express willingness to surrender to a dictatorship, and from another Senator of the United States a declared willingness that the Government take over the free press.

Mr. LEE. Mr. President, will the Senator yield?

Mr. MALONEY. I have very little time.

Mr. LEE. I suppose the Senator was referring to a statement I made, and if the Senator will read the RECORD he will find that I stated "in case we were in war." I am sure the Senator from Connecticut himself realizes that we must have control of the press in case of war.

Mr. MALONEY. Mr. President, I shall not now make any attempt to comment on what the Senator may or may not have said this afternoon, but I do point out that in the period of the great World War, no Senator, so far as I can remember, and certainly not the Senate as a body, made any suggestion that the Government take over the press of the country.

I mention this, not in criticism of any Member of this body but in an effort to emphasize the fact that there is a great disunity, not only throughout the country but here in the Senate of the United States. For myself, I shall not now or ever bend or bow under the lash of Senate oratory, or the whip of hysterical editorial opinion. I think there is need for this substitute proposal. I insist that it would not delay the program 1 single hour and that as quickly as under the Burke-Wadsworth bill we would have the men we may need.

Mention was made here this afternoon of politics and the coming election. Let me warn my colleagues, let me admonish the country, and let me serve notice on the administration, of which I am proudly a part, that politics will come into this issue just a little later. It will become political because some Members of the Senate have said today, perhaps in a moment of temporary carelessness, that after the enactment of the bill no more than 15 days would elapse before it would be put into effect and before men would be called for training. Later on another Senator insisted that within 40 days men would be inducted into the service.

Mr. President, just as surely as the sun will set today, the President of the United States will find it impossible to meet these pledges and prophecies of Senators, and will be charged with delaying action for political purposes. I do not believe the machinery needed to set up this program can be put into effect so quickly as some of these people, including the chairman of the Committee on Military Affairs, now believe, and I hope that the country will not expect, assuming that the proposal which I offer shall be defeated, that men will be inducted into service as quickly as these senatorial promises indicate.

What I desire to do more than anything else now, is lay two or three ghosts with which I have personally been confronted within the last 2 or 3 days. Mr. Arthur Krock, a distinguished and able columnist, who is highly regarded and widely read, wrote in his column several days ago that my proposal—and I know he did this without any intention to cast a reflection upon me—afforded the opportunity to Senators and Members of the House to completely avoid the purposes of the bill. He pointed out that it first would delay the induction of men into the service until January 1, and then stated that in section 7 of the bill provision was made that no man could be inducted into service until appropriations had been made by the Congress.

I wish to correct Mr. Krock by saying that I had nothing to do with section 7 of the bill, and that that language was in the original draft of the Burke-Wadsworth proposal. One of the sponsors of the bill, who is now in the Senate Chamber, will recall that I went to him to discuss that language, and asked him if there might not be a way properly to change the language and correct a false impression which it might give.

A little later on last week another distinguished gentleman, a former Under Secretary of Commerce, issued a long statement through the Associated Press which, in a way, challenged me. In his statement, he said he was willing to finance a poll in my State to prove that the people there, or a majority of them, were in sympathy with the Burke-Wadsworth bill, and that I was in error in stating otherwise.

I should like to say for the RECORD that I never said what is charged to me by Mr. Edward J. Noble, and, further, that I know he made the charge without any attempt at discourtesy or damage to me. I wish to point out that in my statement of a week ago, made before Mr. Noble gave his statement to the newspapers, I said that I was willing to admit a majority of the people favored the Burke-Wadsworth proposal, but that what I was trying to do was to recapture the confidence and patriotism and enthusiasm of 30 or 40 or 45 percent of our population who were in disagreement and who think that a voluntary system would attract enough men to serve.

If such an old-fashioned plan did not work, my proposal carefully and definitely provides that we will have the soldiers necessary at the proper time.

Because I have referred to the articles by Mr. Krock and Mr. Noble, I ask to have them published in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

IN THE NATION—THE LETTER AND SPIRIT OF THE MALONEY AMENDMENT

(By Arthur Krock)

WASHINGTON, August 22.—The Maloney amendment to the Burke-Wadsworth military conscription bill, which is actually a substitute for that measure, is soon to be voted on in the Senate. Its effect would be to defer conscription until January 1, 1941, while a campaign for volunteers proceeds under Presidential proclamation, but it supports the draft as a principle.

Since neither the President nor Mr. Willkie, in advocating the same principle, has specifically urged that it be immediately translated into law, many Members of Congress in both parties are using this fact to argue that, in voting for the Maloney amendment, they are not parting company with their party leaders. If the proposal should be adopted, the absence of a definite call for immediate action from the President and Mr. Willkie will have provided the successful pretext for a number of the legislators.

It was on June 18 that the President gave his second endorsement of "some form of universal compulsory Government service for this country's youth," to quote from a dispatch from Washington to this newspaper, and Mr. Roosevelt said he included "actual service with the Army and the Navy." He had previously approved "the first paragraph" of a New York Times editorial which advocated compulsory selective military training. On neither occasion did he mention the element of time.

Then on July 10, in a message to Congress, the President said:

"The Congress is now considering the enactment of a system of selective training for developing the necessary manpower to operate this matériel [for which appropriations were asked] and manpower to fill Army noncombat needs. In this way we can make certain that when this modern matériel becomes available it will be placed in the hands of troops trained, seasoned, and ready and that replacement matériel can be guaranteed."

This could logically be construed as tantamount to a request for manpower conscription at once. But the advocates of the

Maloney amendment decline to admit that it makes a point as between conscription September 1 and January 1—a 4-month lapse. On August 2, when the President made another statement on the subject, he said: "I am in favor of a selective-training bill, and I consider it essential to adequate national defense." But once again he made no specific reference as to the time element.

At Elwood, Ind., last Saturday Mr. Willkie followed the same pattern. He said: "* * * I cannot ask the American people to put their faith in me without recording my conviction that some form of selective service is the only democratic way in which to assure the trained and competent manpower we need in our national defense." But he did not say Congress should not let selective service wait on a concentrated trial of the volunteer system, and this is all the proponents of the Maloney amendment say they are proposing.

Actually they seek to erect more barriers than that to the start of conscription. Section 3 (a) authorizes the President on January 1, 1941, to begin conscription if he finds by that time that "the number of qualified men who have volunteered" pursuant to his proclamations up to December 1, 1940 "is less than the number called for in such proclamation." But in section 7 it is provided that the draft cannot begin until Congress—that is, the next Congress—has appropriated money "specifically for such purpose." This means that the volunteer drive could fail, the President could invoke the draft on January 1, 1941, and yet he would be unable to induct a single man into service until the specific appropriation was made. So the delay could be much more than 4 months, or even permanent, if Hitler were at that time on good behavior and Congress chose to believe he would continue to be.

Thus the Maloney amendment is very tempting to politicians in Congress. It offers them these several exits from trouble, not just one: Conscription cannot be under way during the campaign. It can remain an empty statute after January. A politician who wants to face both ways on conscription can vote for it as a gesture to one side and point out to the other that his vote did not necessarily bring the system any nearer.

Several of these exits would be closed if the President and Mr. Willkie, or the President alone, as the Nation's leader, should say that he believes "time is of the essence" in this as in other defense preparations—a phrase he continually uses about items of defense these days. His word to this effect could be expected to influence these Senators who are reported to be in favor of the amendment or on the fence: ASHURST, WAGNER, MEAD, SCHWELLENBACH, MURRAY of Montana, BROWN of Michigan, and ANDREWS. And Mr. Willkie's word might have the same effect on these Republicans who are said to be in a similar position: DAVIS, CAPPER, REED of Kansas, and the nominee's running mate, MCNARY.

Administration and Republican leadership pressure against the amendment seems to be lacking. If it passes for this reason, conscription will have been sacrificed for campaign purposes. The roll call should be an important political exhibit.

SENATORSHIP IS NOT SOUGHT BY E. J. NOBLE—URGES IMMEDIATE SELECTIVE TRAINING—HITS MALONEY'S STAND

NEW YORK., August 21.—Edward J. Noble, who recently resigned as Under Secretary of Commerce, today observed that, while his name has been mentioned in connection with the Republican nomination for United States Senator from Connecticut, "I do not seek such a nomination."

"My primary interest is in the national defense and my reason for resigning is to help hurry defense," he said in a statement.

CRITICIZES MALONEY

Criticizing the position of Senator MALONEY (Democrat, Connecticut) on the selective-service bill, Noble offered to finance a poll in any city or town in Connecticut picked by Senator MALONEY and prove that a majority of its voters favor immediate selective training.

Noble declared "someone must take off the brakes in Washington and start the preparedness program rolling with all the spirit of which a great and aroused nation is capable."

Following is the statement given out by Noble:

"Since my resignation some days ago as Under Secretary of Commerce, my name has been mentioned in connection with the Republican nomination for United States Senator from Connecticut. I do not seek such a nomination.

"As stated in my letter of resignation to President Roosevelt, my primary interest is in the national defense, and my reason for resigning is to help hurry defense.

"True, this country isn't in the war—today. Let's hope we won't be. But who can read this morning's newspapers; who can look back at the happenings of these past days, and weeks, and months, and honestly say that America isn't in grave and immediate danger? With all the terrible mistakes of conquered people staring us squarely in the face, are we going to indulge in the same tragic blunders of hesitating, fumbling, pussyfooting, doing-by-half?

DEFENSE VITAL ISSUE

"We are, unless things are done and done quickly. That is why, in my opinion, defense is the vital issue before the American people today, and the first requirement in national defense is proper training of manpower. Selective service is absolutely essential to that training—selective service not tomorrow or a vague few months away, but now! That primary need is being endangered, by political maneuvers in Washington. The selective service bill is being opposed by many members of Congress, principally by Senator WHEELER of Montana and Senator MALONEY of my own State of Connecticut. As American citizens, Senators WHEELER and MALONEY have every right to oppose the bill. I would be the last person to challenge that right. But I do most emphatically challenge their right to say that in opposing it they represent the will of their constituents.

"They have received letters from the folks back home. Perhaps more letters have been sent against the bill than for it. Some of them are sincere. Some are from persons known to the Senators. But let's not be altogether fooled—many of those letters are part of a well laid plan for sabotaging all efforts toward a strong America. I know, however, the sincere letter writers do not represent a majority opinion. If the Senators want to know what their people really think—not just the letter writers—let them take a look at the poll of the Institute of Public Opinion, the so-called Gallup poll. Over 60 percent of the people want selective training and want it now!

"I will go further; I want to tell Senator MALONEY that his own State of Connecticut—yes; his own city of Meriden—is over 60 percent for immediate selective training. The same is true of Senator WHEELER's own State and own city. The same is true in every section of American life—the rich, the poor, the young, the old, the bosses, the workers—57 to 63 percent of all of them are for it. If Senator MALONEY still doubts that, I will let him pick any city or town in Connecticut and I will pay for a thorough and accurate poll, under the Senator's own supervision, of that city or town. And I will make the same offer for Montana to Senator WHEELER.

"Someone must take off the brakes in Washington and start the preparedness program rolling with all the spirit of which a great and aroused nation is capable. I plan to give my voice and time and money to this cause for the good and safety of my country."

Mr. MALONEY. Mr. President, I should also like, if I may, to refer to an editorial that was sent to me this morning, and which I am advised was taken from the New York Herald Tribune. That editorial refers to the "fantastic Maloney substitute." I do not believe it is a fantastic proposal. I submitted my substitute within 5 minutes after the Burke-Wadsworth bill came into the Senate, and a large part of the so-called Maloney substitute has already been accepted. The pay of the soldiers has been increased, we have made exemptions for men of the church, and have accepted other proposals somewhat in keeping with the ones which I offered.

I insist it is not fantastic, and that it is a proper way to legislate so that we may preserve and strengthen the unity so sorely needed in these bewildering days and overdark nights.

I am hopeful that the substitute will prevail, and that we can bring back into the fold of our national-defense effort all the temporarily discordant and wondering and questioning elements and individuals within our country.

Mr. President, the responsibility rests entirely upon Congress. No President can create an army. No Supreme Court can establish or build up an army. It can only be done by the Congress of the United States, and in my humble judgment the place the Seventy-sixth Congress takes in history will depend largely upon the judgment it exercises as it comes to a conclusion on the pending matter.

Mr. President, no more can be expected of any man than that he live within the limits of the judgment with which he is endowed. I have not been concerned with political considerations. In a statement which I made a week ago I said I scorned the support of any of those who might find consolation in what I have said, because they disagree with conscription.

I am fully anxious to get a defense army, and as quickly as we can, not especially because I believe it is needed, but because I want to have it so that it will not be needed.

If I may repeat what I said in my previous statement:

I choose to anticipate the worst and to pray for the best.

I have not tried to destroy any of the arguments made by the sponsors of the bill. Had I so desired, Mr. President, I think I could have made some sort of a case tending to prove that we were not liable to attack or invasion. On the other hand, had I so desired I think I might have with some degree of effect drawn a picture that might have shown that we were in great danger from potential foreign foes.

What I have tried to do is find a happy meeting ground for all the people of our country—a meeting place of the

minds, a middle way, and what a former great Speaker of the House of Representatives always tried to do, and said was necessary in order to obtain good legislation. The great Champ Clark said that legislation was a matter of compromise. I have tried to stay in the pathway of his convictions. I have tried to find a compromise that would bring men together.

I was always aware that I would not draw applause from either side; that I would have no more than the friendly animosity of those in favor, and probably the bitterness of some of those opposed to this bill.

This is a great fundamental issue, Mr. President, on which the Congress in all the after years will be judged, and I beg of the Congress not to be moved by the hysteria which is now rampant into taking a leap when a step is sufficient, and which step will not only meet the defense needs of the country but result in the erasure of a discordant feeling which is in the minds of so many of our people.

Mr. BURKE. Mr. President, on the day I entered the House of Representatives as a Representative from the Second Nebraska Congressional District, it happened that the Senator from Connecticut, FRANCIS MALONEY, entered the other House representing his own district in Connecticut. After a brief period in the House, we came to the Senate together. Long ago I formed the opinion that the senior Senator from Connecticut is one of the ablest and most conscientious Members of this body—an opinion which I have not hesitated to express on many occasions.

When the pending proposal came from the Military Affairs Committee, for the revision and general improvement of the bill which I had the privilege of introducing, the first action taken, as stated by the Senator from Connecticut, was his offer of a substitute.

When I examined his substitute, I told him at once that I thought in major portion it offered an improvement both on the bill as I introduced it and on the bill as reported by the Senate Military Affairs Committee. There were very many provisions of his substitute proposal which seemed to me to offer vitally important improvements in the bill. The proposal to increase the pay of the enlisted men in the Army; the provision for exempting divinity students from the draft; and other provisions, many of them contained in his proposal, seemed to me to be sound, and could very well be written into the legislation, and have been written into it by this time. I think the Senator from Connecticut is entitled to a large measure of credit for that accomplishment.

On one point in his substitute proposal, however, I found myself in entire disagreement with him, and told him so at the time. It had to do with the proper method of selecting the manpower, the adequate, trained manpower, whether we should proceed by a selective system, whether we should face that problem frankly now and decide it, or put it off until some future time, the 1st of January, as the Senator from Connecticut suggested, or for 60 days, as the Senator from Arizona suggested today, or for some other period. It seemed to me that on that point we were in vital disagreement.

I believe the majority of the Members of the Senate and of the other House, and the majority of the people of the country, agree with the Chief Executive of the United States, the Commander in Chief of the Army and Navy, that we ought to decide the matter, and decide it now in the Senate, and pass the selective compulsory military training and service bill, with the provisions in the act encouraging enlistments, so that if a requisite number of volunteers come forward it will not be necessary to enforce the provisions of the selective service act. But we should not put off the operation of the act until some future day, holding it as a club over all who would be subject to its provisions, which would undoubtedly be the compelling force to induce many to enlist who should not leave their dependents, who should not give up their particular places in industry, but who would feel that with such a club held over them they should come forward and enlist.

I agree with the sentiment I read earlier in the day from the resolution unanimously adopted by the American Legion, Department of Nebraska, a few days ago, that the selective-service bill now before the Senate, providing for registration and selection without any postponement, is the proper method, the just and sane and only predictable way in which we can get the complete number of men we need for national defense.

I wanted to say these few words to express my very high opinion of the senior Senator from Connecticut, and say to him that for one I would disagree entirely with any attempt on the part of anyone to say that his substitute proposal was fantastic. As I have already stated, I think it has very great merit, and has contributed materially to bringing out of the Senate—I hope within the next 30 minutes or so—a much better bill than might have been passed if he had not applied his intellect and his great heart to this problem. I for one thank him for his efforts in this behalf; but I still insist that it will be far better for the Congress and the country if we reject what is left of the Senator's substitute proposal, and adopt the bill as it has been amended already in the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. MALONEY] in the nature of a substitute for the amendment of the committee.

Mr. MALONEY. I ask for the yeas and nays.

The yeas and nays were ordered.

The legislative clerk proceeded to call the roll, and Mr. ADAMS, Mr. ANDREWS, and Mr. ASHURST voted when their names were called.

Mr. PEPPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The suggestion of the absence of a quorum is out of order at this time. It is too late for that suggestion to be made.

The clerk will proceed with the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. TYDINGS (when his name was called). On this vote I have a pair with the senior Senator from North Dakota [Mr. FRAZIER], who, if present, would vote as I shall vote. Therefore I am at liberty to vote. I vote "nay."

Mr. STEWART. I am advised that my general pair, the Senator from Oregon [Mr. HOLMAN], would, if present, vote "nay." I am, therefore, at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. GIBSON. I have a pair with the Senator from Kansas [Mr. REED], who is unavoidably absent because of ill health. I am advised that if present he would vote "yea." If at liberty to vote, I should vote "nay."

Mr. BANKHEAD (after having voted in the negative). I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. I am informed that if present the Senator from Oregon would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD. I announce that my colleague [Mr. GLASS] is necessarily absent. If present, he would vote "nay."

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO] and the Senator from Minnesota [Mr. LUNDEEN] are necessarily absent.

The Senator from Iowa [Mr. GILLETTE] and the Senator from Illinois [Mr. LUCAS] are unavoidably detained. If present, the Senator from Iowa and the Senator from Illinois would vote "nay."

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY] and the Senator from North Dakota [Mr. FRAZIER] are unavoidably absent.

The result was announced—yeas 35, nays 50, as follows:

YEAS—35

Adams	Hayden	Mead	Townsend
Bone	Herring	Murray	Vandenberg
Brown	Holt	Norris	Van Nuys
Bulow	Johnson, Calif.	Nye	Wagner
Capper	Johnson, Colo.	Reynolds	Walsh
Chavez	King	Shipstead	Wheeler
Davis	La Follette	Smith	White
Donahey	McCarran	Thomas, Idaho	Wiley
Downey	Maloney	Tobey	

NAYS—50

Andrews	Clark, Mo.	Hughes	Schwartz
Ashurst	Connally	Lee	Schwellenbach
Austin	Danaher	Lodge	Sheppard
Bailey	Ellender	McKellar	Slattery
Barbour	George	Miller	Smathers
Barkley	Gerry	Minton	Stewart
Bridges	Green	Neely	Taft
Burke	Guffey	O'Mahoney	Thomas, Okla.
Byrd	Gurney	Overton	Thomas, Utah
Byrnes	Hale	Pepper	Truman
Caraway	Harrison	Pittman	Tydings
Chandler	Hatch	Radcliffe	
Clark, Idaho	Hill	Russell	

NOT VOTING—11

Bankhead	Gibson	Holman	McNary
Bilbo	Gillette	Lucas	Reed
Frazier	Glass	Lundeen	

So Mr. MALONEY's amendment in the nature of a substitute for the committee amendment was rejected.

Mr. CLARK of Missouri. Mr. President, I move to reconsider the vote by which the Maloney amendment was rejected.

Mr. BARKLEY. I move to lay that motion on the table.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky to lay on the table the motion of the Senator from Missouri to reconsider the vote by which the Maloney amendment was rejected.

The motion to lay on the table the motion of Mr. CLARK of Missouri to reconsider was agreed to.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Shipstead
Andrews	Donahey	Lodge	Slattery
Ashurst	Downey	Lucas	Smathers
Austin	Ellender	McCarran	Smith
Bailey	George	McKellar	Stewart
Bankhead	Gerry	Maloney	Taft
Barbour	Gibson	Mead	Thomas, Idaho
Barkley	Glass	Miller	Thomas, Okla.
Bone	Green	Minton	Thomas, Utah
Bridges	Guffey	Murray	Tobey
Brown	Gurney	Neely	Townsend
Bulow	Hale	Norris	Truman
Burke	Harrison	Nye	Tydings
Byrd	Hatch	O'Mahoney	Vandenberg
Byrnes	Hayden	Overton	Van Nuys
Capper	Herring	Pepper	Wagner
Caraway	Hill	Pittman	Walsh
Chandler	Holt	Radcliffe	Wheeler
Chavez	Hughes	Reynolds	White
Clark, Idaho	Johnson, Calif.	Russell	Wiley
Clark, Mo.	Johnson, Colo.	Schwartz	
Connally	King	Schwellenbach	
Danaher	La Follette	Sheppard	

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

CONSCRIPTION

Mr. WALSH. Mr. President, adequate defense of the United States and how it shall be achieved is a question that stands supreme above all other considerations.

It is upon that premise and with that thought uppermost that I wish to discuss the conscription bill now before the Senate.

It is a year, almost to the day, since the outbreak of the present war in Europe and the issuance by the President almost immediately thereafter of a declaration of "limited" national emergency. It is a year since the question of our own lack of preparedness and the need for strengthening and expanding our national defenses became acute.

Let me review briefly the various steps which Congress has approved and authorized in the span of the past 12 months. Some of these measures and some of the statements and promises concerning them seem already to be forgotten.

First is the question of the Navy, which is so rightly called our first line of defense. No one has ever effectually challenged the proposition that if our Navy be strong enough to control the oceans and to meet and defeat any enemy at sea, we are safe from invasion since our potential enemy must come overseas.

We need no tanks and we need no foot soldiers, except for garrison duty, if our naval power affords a real barrier to any attack.

Our naval policy has been shaped on that concept, and I have consistently championed a United States Navy second to none throughout my association with the Navy, first as a member and in later years as chairman of the Naval Affairs Committee of the Senate.

I have said over and over again that if our Navy, in all of its branches, combat ships, supply ships, naval bases, naval air force, was of sufficient size and strength we need have no fear of any foreign foe or combination of foes.

Our moves to replace obsolete naval vessels begun in 1934 and the expansion of our Navy dates from the Naval Expansion Act of 1938, wherein we authorized a 20-percent increase in combat strength above the so-called treaty-limits Navy which we had set out to build in 1934. The 1938 act also authorized our naval aircraft strength of 3,000 serviceable planes.

Last year, prior to the outbreak of the war, we accelerated the pace of our naval-construction program—which was governed in some degree by the size of appropriations for this purpose—and Congress also enacted a vitally important naval air bases bill to pave the way for the establishment of additional air bases, both on continental United States and in our island possessions.

This year, already, and still upon the assumption that the one navy was our principal reliance for our safety from attack, we authorized in the bill passed in June, a further 11-percent increase in the aggregate strength of our fleet—as measured in total tonnage. But we have not stopped at that point, and only a month ago, Congress enacted the 70-percent naval-increase bill, the so-called two-ocean navy bill. We have also voted many more naval bases. We have put through legislation to expedite the actual construction of these ships through the expansion of shipbuilding facilities and through various devices to cut red tape.

We have done all this, and as measured in dollars it runs into the billions, upon the theory that our Navy is our main reliance from the standpoint of national defense. Nothing has occurred to change my view of that proposition.

But then we came to the question of our air force and its vital importance. Congress has been told that it was the air force that was of paramount consideration. Certainly it is quite clear that the battle of England will be decided by sea power plus air power.

If Britain's sea and air power is able to withstand the German attack, England is saved. If her sea and air power succumb, I venture to predict that her army will be unable to save the day.

Congress has been of a single mind on the question of making our air force as large as possible, as quickly as possible, virtually without limit as to numbers or as to cost. With respect to the naval air force we have since January voted to increase the number of planes from 3,000 to 4,500, then raised the number to 10,000, then raised the number of 15,000. We authorized and provided funds for the training of 16,000 naval air pilots.

With respect to the Army, Congress has voted to greatly increase the number of planes and has provided the funds for the enlistment and training of 40,000 Army pilots.

The President, in an address to the Nation last May, gave assurances that the United States proposes to have 50,000 military planes. Others have spoken of stepping up our plant capacity to the point where we would be able to turn out 1,000 planes per week. The country has heard a great deal of talk about student-pilot training schools on a large

scale and on a voluntary basis. Congress has made available ample funds for that purpose.

All this was upon the assumption that with a mighty air force, with a large trained personnel of air pilots, with plant facilities to turn out new aircraft at a prodigious rate, coupled with a mighty Navy and strong naval bases, the United States would be safe from attack from any quarter—that our security was assured.

It is a tragic circumstance that the fleet, the naval bases, the air force, the great battalions of trained pilots, are not coming into being with the speed which was promised and which is commensurate with our necessities.

Many Senators were shocked, as, indeed, the country must have been shocked, by the statement of the junior Senator from Virginia that in the past 100 days only 343 combat planes have been ordered by the Army, Navy, and Marine Corps combined, and of these, none will be delivered in this calendar year and some will not be delivered until 1942. The Army has ordered only 99 and the Navy 244. These figures, he asserted, came directly from the Secretary of the Navy and Secretary of War.

We were shocked to read and the country will be shocked to learn that according to General Marshall, Army Chief of Staff, testifying before the Senate Appropriations Committee on August 5, recruiting for the Army Air Corps has been temporarily suspended because already the men enlisted outrun the available training facilities. Let me read to the Senate General Marshall's exact words on this point. He said:

> There were 40,000 men for the Air Corps provided in the First Supplemental National Defense Appropriation Act for 1941. We have recruited 8,000 of them and could recruit the remainder rapidly, but we do not want them—those particular men—right now. The Air Corps is now already in the midst of a tremendous expansion, and its lack of equipment makes it unwise to take in more men during the next 2 months.

The inadequacy of our air force and the delay which is attending its expansion is a matter of grave concern. But it does not alter the basic proposition that it is air force plus sea power upon which rests our security.

It cannot be too often asserted that from the standpoint of national defense, we do not make up for lack of planes and pilots by conscripting our young men for the Army.

Now with respect to the Army: What is the record of the past 12 months since the outbreak of the war and the declaration by the President of a state of national emergency?

The facts are that the President last January requested funds for a standing army of 227,000 men, deriding "enthusiastic alarmists" who clamored for more.

In May the figure had been raised to 250,000, and Congress went a little further and provided for 280,000 men. Subsequently, in June—a little more than 60 days ago—General Marshall, Army Chief of Staff, in testimony before a congressional committee, requested an increase in the authorized strength of the Army to 375,000, with a statement that such an increase would "enable us to avoid, we hope, the necessity of mobilizing the National Guard."

Since then, Congress, at the President's request, has passed the requisite legislation to mobilize the entire National Guard into Federal service, adding approximately 250,000.

It is against this background that we now have a bill to conscript the manpower of the Nation for military service while we are at peace. When first offered, it was without limit as to numbers. When first offered it was in the disguise of a plan for universal military training of our young men on a 1-year basis. The Senate has now agreed to an amendment limiting the permissible maximum conscription to 900,000 men.

And as for the universal military training idea, that has been pretty well exploded and the bald fact stands out in the testimony of General Marshall that the first 400,000 men drafted will be immediately filtered into the Regular Army and the mobilized units of the National Guard to bring these units up to full "wartime strength"; and that these first 400,000 draftees will see active service at once—some of them may go to Panama or Hawaii.

The second 400,000 men, which, if the bill goes through, it is proposed to call to the colors next April, are to serve as replacements in the Regular Army. These men, too, will get into the Army and into active service at once.

General Marshall's testimony on this point included this sentence:

> When you pass beyond the second 400,000 you are beginning to get into the system of compulsory training to provide trained reserves.

But, mark you, the first two installments are simply recruitments for the Regular Army and National Guard.

Congress had had a different idea. Congress and the country had had the impression that trained reserves was the whole purpose of the bill applicable to the very first draftees. Congress now sees it as a disguised plan to first double and then triple the Army.

Col. William J. Donovan, of New York, brave and famous World War veteran, with whom I am well acquainted and for whom I have the highest regard, in a radio address a few days ago advocated passage of what he referred to as this so-called "selective training and service bill." He dwelt on the fact that the time to train men was before a war commenced, not afterward. I agree with him on that proposition 100 percent.

He implied that the opponents of conscription perceived, or at least conceded no present threat to our American institutions. That may be true of some of the opponents of conscription. But it certainly is not my position. I believe that I am fully alive to our present potential perils, and appreciate that they are very great. Certainly I should not have voted for the vast armaments, the enormous expenditures for national defense, the sweeping authority vested in the President, if I were not impressed with the dangers which surround us.

But the paragraph in Colonel Donovan's address which was the most noteworthy and which betrayed the confusion of thought which has arisen in connection with the pending bill, was when he said:

> If our Army takes every man it needs, without priority or preferment, puts everybody on an equal basis, this will help breed the conviction among our people that we all have duties and obligations to our country as well as rights. It is universal military service, not the volunteer system, that is really democratic.

Many other persons have given voice to similar sentiment. Many letters which are coming to Senators urging our support of the pending bill echo the same thought that universal military service rather than the volunteer system is the democratic way.

Without debating that issue, the fact is that the conscription bill now before the Senate is a far cry from universal military service. It does not propose to take every man we need without priority or preferment. The pending bill is for compulsory military service on a selective basis, with all sorts of preferments and deferments—one member of a family to be conscripted for military service, with all its hardships and dangers, another member deferred because of dependency, a third member exempted because he is more needed in a munitions plant at $60 a week than in a training camp at $30 a month, a fourth member exempted because he is a conscientious objector, a fifth member exempted because he is a divinity student, and a sixth member exempted because of poor eyesight. How can any such plan as we have here be called universal military service and endorsed on that account?

But the question recurs, What has transpired in the past 6 weeks to make it so imperative to double and treble the size of our Army and to resort to conscription to accomplish it? We have then two questions.

First, if our fleet and our air force are our security, why an army of a million or two million men to battle with an invader that can never reach our shores? But if we are wrong on that point, if we need a large army, what proof have we that voluntary enlistment will not suffice?

With respect to the Navy, the enlistments are exceeding our capacity and our immediate requirements. It is perfectly

evident that so far as the Navy and Marine Corps are concerned there is no need to resort to a draft. Voluntary enlistment will give us men just as rapidly as training facilities can be provided, and as rapidly as the ships which these men are to man are completed.

The Senate has already passed a bill reported by me to increase the number of midshipmen at Annapolis, and to increase the Naval Reserve training units in colleges and universities. There are more applicants than there are places.

Let me suggest also that in considering conscription the question of whether or not college and university students should be exempted or deferred overlooks a very obvious alternative, namely, to provide the means of giving all the college youth military training along with college studies and college life.

Congress has already recognized and assented to the principle of military training in the colleges by the Reserve Officers Training Corps plan. It is not a difficult matter to expand this organization and multiply these training camps. In the light of present conditions it is regrettable that this expansion of military training in the colleges was not undertaken years ago.

The recruitment of men for the Regular Army not on the basis of 1-year but on the basis of a 3-year term of service at $21 per month is proceeding satisfactorily, and, according to the testimony of the Army officers in charge, they expect the full authorized strength will be reached within a few months.

There is no claim that it is necessary to resort to conscription and the draft in order to fill the ranks of the Regular Army to the authorized strength of 375,000 men.

It is to be noted also that no further action by Congress is required to provide for 1-year Army enlistments for training purposes. That is permissible under existing statutes. The Army for reasons of its own has heretofore declined to accept 1-year enlistments.

The country is being told that those who advocate postponement of resort to conscription until such time as the United States is at war are thereby refusing to prepare in advance and are content to wait until war is upon us before starting to train men for our defense. This is untrue.

It is a gross libel upon the Members of this body and of the other Chamber who have been unstinting in their support of preparedness measures, who have granted almost without question virtually every national-defense request that has come from the President. and who are now supporting enlargements of the Army, the Navy, and the Air Corps, the mobilization of the National Guard and the Reserves, and are supportingy in principle the large-scale military-training program embraced within the present bill—yet who adhere to the honest conviction that the requisite number for our standing Army and for 1 year's training can be obtained by volunteer enlistment, and that drafting for military service in time of peace is a power that ought not be exercised until every other means has failed.

To charge that a Senator who opposes immediate resort to conscription of the Nation's manpower thereby is opposed to preparedness and unmindful of our perils, begs the question. The question is not, Shall we prepare? Shall we give a million or more of young men some military training so that we may be in readiness for whatever befalls? We are to all intents and purposes unanimous on that proposition.

The question is, How shall we prepare and how shall we proceed with the business at hand of military training? Conscription is not an end but a means to an end, and if the end be preparedness for war, coupled with hopes and prayers for avoidance of war, then whether conscription is the only means to that end is a matter of argument and of difference of opinion.

For myself, I believe we can obtain, at the present time, by voluntary enlistment, all the men we can possibly provide for in our training camps, as well as in the various branches of our regular Army and Navy service.

I submit that if our military experts have reached the conclusion that it is essential to double the authorized strength of the Regular Army, that the fair and honest way to accomplish it is to present a bill to Congress for that purpose and let us raise the number of the Regular Army troops from the present limit of 375,000 to 750,000. I venture to predict that a bill for that purpose and limited to that proposition, and if asked for by the President, would encounter very little opposition and pass Congress in short order.

I am confident that a bill to extend the present R. O. T. C. military-training units to every college and university in the country, if it were proposed by the War Department, would meet with little opposition in Congress.

It is quite apparent that Congress stands ready to endorse the proposal for creation—by volunteer enlistment—of home-guard militia to replace the National Guard now being called into Federal service. Congress, if it is asked to do so, will surely authorize Federal aid and supplies for this home-guard militia.

Lifting the base pay in the Army to put it on a parity with Navy pay and presumptively to make military service more inviting meets with virtually no opposition in Congress.

The proponents aver that it is just and right that the obligations and risks of military training and service be shared by all. But as I have already said, this conscription bill does not have that result.

All of the questions of details of the operation of the system are subordinate to the basic question, namely, "Are we at a point in the United States today that universal compulsory military service is requisite for our safety?"

If the answer is "Yes," then why should we not draft labor for the shipyards as well as for the ships? Why should we not draft capital as well as manpower?

In the present bill we are following the course of the World War. We are proposing to select and compel military service at soldiers' wages—24-hour days, 30 days a month, 365 days a year service—while we exempt essential labor in factory and farms, proposing to pay premium wages for anything over 40 hours and vacations with pay. We are making cost-plus contracts as in the last war and approaching the capital and profits question along the same lines as 25 years ago.

I think the General Staff and others who are supporting this conscription bill are thinking about warfare as it was fought in 1918, and not about warfare as it is being fought today and will be fought in the future. In 1918 we were planning on raising an expeditionary force to send to France and to fight in Flanders fields. Today we are planning an army to defend our shores in the event our Navy and our air force fail to repel the invader.

I believe the conscript army to be raised by this bill will be an army that would suffice in 1918 but is totally inadequate for 1940 or 1941, unless the General Staff revises its plans and its methods.

If we are attacked, I know the Army will fight bravely and courageously, just as the Army of France fought bravely, but that it may be defeated unless we reorient our thinking about our national-defense needs.

I think that the army to be raised by this method will be mere "cannon fodder" unless we train them in new methods of warfare and give them better equipment than the equipment possessed by foreign nations, and that cannot be accomplished under any 1-year plan of training.

The article by Mr. Gault MacGowan, published in the New York Sun of August 24, in commenting upon the pending conscription bill, supports these views. I quote:

> Those who have seen modern war on the Continent unanimously agree that the theory that victory is achieved by putting the greatest number of men in one place at one time is obsolete. * * * Experts here say that the mere fact of mobilizing an army of 1,200,000 men is likely to create an illusion of national security more perilous than a standstill policy. While General Pershing raised 2 armies to finish operations in Europe the last time, 20 technical divisions probably would be enough to win victory today. * * * The aim of modern warfare is to gain the maximum advantage with the minimum expenditure of manpower, with machines bearing the

brunt of battle. Till a nation grasps the full implications of this new theory of modern war its defeat is certain.

In my judgment the Army and Navy, perhaps because of belief that invasion was not possible, have not kept abreast of new developments. The Chief of the Army Air Corps and the Chief of the Bureau of Aeronautics testified that we did not have a single Army or naval airplane equipped with self-sealing gas tanks. Our military planes did not have sufficient armor to protect our pilots. Our planes have high speed, good maneuverability. In aviation we are the equals or ahead of other countries insofar as commercial aviation is concerned and on aviation features which are also important in commercial aviation. But in the strictly military features of aviation we are almost where we were in the last war. At that time we had a few planes equipped with self-sealing gas tanks.

About 2 years ago the British Fleet withdrew from the Mediterranean on account of Italian motor torpedo boats. At the present time the United States Navy has on hand a few experimental boats and one fast motor torpedo boat built in Great Britain. We have some on order—a few may be delivered in a few weeks. Yet this country can build as fast motorboats as any other country.

Do we have an airplane-plus-tank spearhead as capable and as efficient as the Germans? Is not the answer an emphatic "No"?

David Lloyd George in a recent article stated that in the last World War British scientists soon found a method or a new device capable of meeting the German developments. He also stated that the British had soon discovered a method of making ineffective the so-called German magnetic mine.

Suppose that the English do not find a method of combating new German weapons and new methods in time? If we get into the war, suppose we do not find, in time, new methods and new defenses?

Considering all the facts, is it not apparent that:

First. In many respects are not our military officials thinking in terms of 1918 and 1919 and not in terms of today?

Second. Have we kept abreast of new developments in military matters?

Third. Is our attitude wrong? Should we not try to be ahead of our potential enemies instead of merely copying them?

Fourth. The citizens of this country are as advanced in new scientific methods as any people in the world, but that up to this time we have not taken advantage of our inventive genius to even keep up, let alone outdistance, our potential enemies.

Is it not apparent that we must revise our thinking, create better weapons, adopt newer methods? Should we not have a small, highly trained professional army whose personnel are not drafted for 1 year, but who will make the service a lifetime carrier?

A small, highly trained army of professional soldiers, and the question of short-term preliminary military training of millions of our civilian population, as Reserves, upon whom we shall call only in the event of war, are two separate and distinct propositions. In my judgment, one of the many objections of the pending bill is that these two objectives, and these two concepts, have been intermingled.

In conclusion, no statement expresses my views on other features of this question better than that of the distinguished senior Senator from Colorado [Mr. ADAMS] on Monday, August 26, when he said:

> I have sat in the Appropriations Committee day after day and have heard officials of the Army; I have heard officials of the Navy, and I have yet to hear pointed out any immediate, definite, threatening danger justifying this proposal. It is all hypothesis and speculation. Yet we are asked to provide unlimited power not for training, Senators—I will go with you in providing universal training for the youth of America—but it is proposed to put them in the Regular Army. Men are to be drafted, not for training, but for military service in the Regular Army for a year.

In this connection, I should like to reiterate statements made by the Senator from Colorado [Mr. JOHNSON], on the floor of the Senate yesterday. I quote:

> The pending measure adds nothing to national defense. The pending measure subtracts much from a good, sound, sensible, modern national defense, and at the same time it makes an insidious attack upon the principles of the democracy which we cherish. It will not add to our security from abroad, and it does add to our insecurity here at home. It does not add to our liberties. It curtails our liberties. * * * Conscription in peacetime violates every tenet of a democracy and is the first step toward the Fascist state.

And again:

> There has been a constant fight from the beginning of this Republic to adopt a compulsory military-service system during peacetime. Today the War Department, under recently acquired leadership, is pressing the matter again with a new boldness, and is taking advantage of the hysteria which it has promoted and encouraged to impose this dangerous and hated enemy of liberty upon a free people. * * *

Later on the distinguished Senator from Colorado said:

> Peacetime conscription and the policy of intervention are as inseparable as are Siamese twins. While it is true that there are supporters in the Senate who are not interventionists, I do not know of a single interventionist or a solitary warmonger in the entire United States who does not favor peacetime conscription. That is to be expected. * * * American citizens generally look with horror upon conscription of property. They do not enthuse over state ownership. * * * If we are justified in conscripting lives, how can we expect the conscripts to hesitate over conscripting property? The two eventually must go together, and the two will go together. * * * Everyone who believes in a capitalistic democracy should oppose conscription of men with all the power at his command.

Mr. DANAHER. Mr. President, I respectfully ask that the Senator from Kentucky [Mr. BARKLEY] in due course take notice of the charges which have been made in some circles—in the press and elsewhere—that the Senate has unduly prolonged consideration of the bill. I respectfully ask that he call attention for the RECORD to the fact that from the day this particular bill was introduced in this body up to the past hour, more than 24 separate amendments have been adopted, seeking and achieving corrections in important particulars in the bill as compared with the form in which it was first introduced, and in many other particulars in which principles were considered, searched out, and debated. I hope the bill will not become law, for I feel that we should be violating a fundamental American principle if we should enact it. Nevertheless, if it should become law, the principle of debate will have been sustained. It seems to me that the Senate is entitled to a word in that particular from the majority leader. I am sure that in his usual generosity he will take that view.

Mr. BARKLEY. Mr. President, the Senator from Connecticut has already stated what he wishes to appear in the RECORD with respect to the debate, but I shall take no technical advantage of that fact.

I wish to say that notwithstanding the long and hard fight over the bill, I appreciate the fact that, by and large, and for the greater part of the debate, with very rare exceptions, the Senate has conducted the debate upon a very high plane. It has been an intelligent debate. It has probably been a little longer than some of us would have preferred, but it has been a legitimate debate.

I wish to say to those who have opposed the bill that, in my judgment, no deliberate effort has been made on the part of any of them to delay the vote on the measure. Having some responsibility in regard to the conduct of the business of the Senate, I deeply appreciate that fact.

I have regretted that it has been necessary during this week to punish the Members of the Senate, in a way, by holding them in session for long hours; but I think the situation justified it, and I desire to thank all Senators for the cooperation, courtesy, and consideration they have shown in the debate and in the offering of amendments, and for the expeditious disposition of the many questions involved.

I wish especially to congratulate the Senator from Texas [Mr. SHEPPARD], chairman of the Committee on Military Affairs, for the diligence, industry, patience, courtesy, and intelligence with which he has directed the fight in behalf of the measure.

I wish to take occasion to thank the Senator from Connecticut [Mr. MALONEY], whose amendment was just defeated. He has been very greatly concerned in the advocacy of the amendment and in its presentation. The Senator from Connecticut has shown himself in every way to be a true statesman, and he has cooperated with me and others in charge of the measure not only in the limitation of debate but in the speedy consideration of the bill and all amendments. I extend to him my thanks; and I am sure I speak for the Senator from Texas [Mr. SHEPPARD] in doing so.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BARKLEY. Mr. President, I hope we may have the yeas and nays on the final passage of the bill.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. MCNARY]. On this particular question, however, he has a special pair with the senior Senator from Iowa [Mr. GILLETTE.] I am, therefore, at liberty to vote, and vote "yea."

Mr. GIBSON (when his name was called). On this question I have a pair with the junior Senator from Kansas [Mr. REED], who is absent because of slight illness. I am advised that he would vote "nay" if present. If at liberty to vote I should vote "yea." I withhold my vote.

The roll call was concluded.

Mr. MINTON. I announce the necessary absence of the Senator from Mississippi [Mr. BILBO] and the Senator from Iowa [Mr. GILLETTE].

Mr. AUSTIN. I announce the following pairs:

The Senator from Oregon [Mr. MCNARY], who would vote "yea" if present, with the Senator from Iowa [Mr. GILLETTE], who would vote "nay" if present.

The Senator from Oregon [Mr. HOLMAN], who would vote "yea" if present, with the Senator from North Dakota [Mr. FRAZIER], who would vote "nay" if present.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY] and the Senator from North Dakota [Mr. FRAZIER] are unavoidably absent.

The result was announced—yeas 58, nays 31, as follows:

YEAS—58

Andrews	Ellender	Lee	Russell
Austin	George	Lodge	Schwartz
Bailey	Gerry	Lucas	Sheppard
Bankhead	Glass	McKellar	Slattery
Barbour	Green	Maloney	Smathers
Barkley	Guffey	Mead	Stewart
Bone	Gurney	Miller	Thomas, Okla.
Bridges	Hale	Minton	Thomas, Utah
Burke	Harrison	Neely	Tobey
Byrd	Hatch	O'Mahoney	Truman
Byrnes	Hayden	Overton	Tydings
Caraway	Herring	Pepper	Wagner
Chandler	Hill	Pittman	White
Chavez	Hughes	Radcliffe	
Connally	King	Reynolds	

NAYS—31

Adams	Davis	McCarran	Thomas, Idaho
Ashurst	Donahey	Murray	Townsend
Brown	Downey	Norris	Vandenberg
Bulow	Holt	Nye	Van Nuys
Capper	Johnson, Calif.	Schewellenbach	Walsh
Clark, Idaho	Johnson, Colo.	Shipstead	Wheeler
Clark, Mo.	La Follette	Smith	Wiley
Danaher	Lundeen	Taft	

NOT VOTING—7

Bilbo	Gibson	Holman	Reed
Frazier	Gillette	McNary	

So the bill (S. 4164) was passed as follows:

Be it enacted, etc., That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard as an integral part of the first-line defenses of this Nation be at all times maintained and assured. To this end it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army, the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

SEC. 2. Except as provided in section 5 (a), it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who is between the ages of 21 and 31, on the day or days fixed for the first or any subsequent registration, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

SEC. 3. (a) Every male citizen of the United States and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of 21 and 31 at the time fixed for his registration (other than those excepted from registration under section 5 (a)), shall be liable for training and service in the land and naval forces of the United States. The President is authorized, whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men between such ages as in his judgment is required for such forces in the national interest: *Provided*, That any person between the age of 18 and 35, regardless of race or color, shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces (including aviation units) of the United States for the training and service prescribed in subsection (b) if he is acceptable to the land or naval forces for such training and service: *Provided further*, That there shall not be in active training or service in the land forces of the United States at any one time in time of peace more than 900,000 men inducted under the provisions of this act. The men inducted into the land or naval forces for such training and service shall be assigned to camps or units of such forces.

(b) Whenever the United States is not at war, each man so inducted shall serve for a training period of 12 consecutive months, unless sooner discharged: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he may be required to remain in service until the Congress shall declare that the national interest permits his being relieved from such service. Each such man, after completion of the service required by this subsection, shall be transferred to a Reserve component of the land or naval forces of the United States until the provisions of this act become inoperative, or until the expiration of a period of 10 years, or until he is discharged from such Reserve component, whichever event first occurs; and during the period that he is a member of such Reserve component he shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes 12 months' training and service in the land forces in time of peace, as provided herein, who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the Reserve components of the Army of the United States in time of peace. Persons inducted into the land forces of the United States pursuant to this act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

(c) The men inducted for training and service as provided for in this section shall, during the period of their training and service, receive the same pay, allowances, and other benefits as are provided by law for enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a Reserve component of the land or naval forces as provided in subsection (b) they shall receive the same benefits as are provided by law in like cases for members of such Reserve component. Men in such training and service shall have an opportunity to qualify for promotion.

SEC. 4. (a) The selection of men for the training and service provided for in section 3 (other than those who enlist voluntarily pursuant to this act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from all the men between the ages of 21 and 31 who are liable for such training and service.

(b) Quotas of men to be furnished for such training and service shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification; credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas; and until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates and subsequent adjustments therein made when such actual numbers are known; all in accordance with such rules and regulations as the President may prescribe.

SEC. 5. (a) Commissioned officers, warrant officers, field clerks, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted

Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy, and cadets of the advanced course, senior division, Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, or who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2. No exceptions from registration shall continue after the cause therefor ceases to exist: *Provided,* That any officer, warrant officer, or enlisted man of the Regular Army who is excepted from registration under section 2 and who shall have served therein satisfactorily for a period of 3 years, and any officer, warrant officer, or enlisted man of the active National Guard or a member of the Officers' Reserve Corps on the eligible list, who is excepted from such registration and who shall have served therein satisfactorily for a period of 6 years, shall be excepted from such registration and further duty in the Reserve components of the Army of the United States in time of peace: *Provided further,* That any officer, warrant officer, or enlisted man of the active National Guard who satisfactorily serves as a member of the Army of the United States, in active Federal service for the period of 1 year who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the Reserve components of the Army of the United States in time of peace.

(b) The Vice President of the United States, the Governors of the several States and Territories, members of legislative bodies of the United States and of the several States and Territories, judges of the courts of the United States and of the several States and Territories and the District of Columbia, and other executive officers of the United States and of the several States and Territories and the District of Columbia whose continued service in the executive offices held by them is found to be necessary to the maintenance of the public health, safety, or interest shall, while holding such offices, be deferred from training and service in the land and naval forces of the United States.

(c) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act, shall be exempt from training and service (but not from registration) under this act.

(d) The President is authorized, under such rules and regulations as he may prescribe, to defer training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest. No deferment of training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. The President is also authorized, under such rules and regulations as he may prescribe, to defer the training and service under this act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient. No deferment of such training and service shall continue after the cause therefor ceases to exist.

(e) Nothing contained in this act shall be construed to require any person to be subject to combatant training or service in the land or naval forces of the United States, who by reason of religious training and belief, is conscientiously opposed to participation in war in any form. All persons claiming such exemption from combatant training and service because of such conscientious objections shall be listed on a register of conscientious objectors at the time of their classification by a local board, and the names of the persons so registered shall be at once referred by such local board to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the Department of Justice in the case of each such person with respect to the character and good faith of his objections, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommend (1) that the objector shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, that he shall be assigned to work of national importance under civilian direction. If, after such hearing, the objections of any such person are found not to be sustained, the objector and the local board shall be immediately notified thereof, the name of the objector shall then be removed from the register of conscientious objectors, and such objector shall thereafter be liable to training and service as provided by this act. If, within 5 days after the date of such findings by the Department of Justice, the objector or the local board gives notice to the other of disagreement with such findings, the local board shall immediately refer the matter for final determination to an appropriate appeal board established to section 10 (a) (2).

SEC. 6. The President shall have authority to induct into the land and naval forces of the United States no greater number of persons than the Congress shall from time to time hereafter make specific appropriation for.

SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided,* That the clothing or enlistment allowance authorized by law shall not be regarded as bounties within the meaning of this section. No person liable to service in such forces shall be permitted or allowed to furnish a substitute for such service; no such substitute shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable to service in such forces shall be permitted to escape such service or be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from service in such forces or liability thereto.

SEC. 8. (a) Any person inducted into the land or naval forces under this act for training and service, or who is hereafter assigned to active or training duty, who, in the judgment of those in authority over him, satisfactorily completes the service required under this act shall be entitled to a certificate to that effect upon the completion of such service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the land or naval forces under this act for training and service shall be given a physical examination at the beginning of such training and service and a medical statement showing any physical defects noted upon such examination; and upon the completion of the period of such training and service, each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses, or disabilities, suffered by him during such period of training and service.

(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

For the purpose of this subsection any person who has been required to leave any position in the employ of any private employer, other than a temporary position, within 30 days prior to the date of the enactment of this act shall be deemed prima facie to have left such position in order to perform the service required under this act.

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered during the period of service in such forces as on furlough or leave of absence; and shall be so restored without loss of seniority; and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time of being inducted into such forces; and shall not be discharged from such position without cause within 1 year after such restoration.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided,* That no fees or court costs shall be taxed against the person so applying for such benefits.

(e) Section 3 (d) of the act entitled "An act to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service," approved August 28, 1940, is amended by inserting before the period at the end of the first sentence the following: ", and as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action."

(f) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of members of the reserve components of the land and naval forces of the United States

who have satisfactorily completed any period of active duty and of persons who have satisfactorily completed any period of their service under this act, and to aid such persons in finding employment elsewhere if such replacement in their former positions is impossible or unreasonable.

(g) The Chief of Finance, United States Army, is hereby designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of this act.

(h) Any person inducted into the land or naval forces for training and service under this act shall, during the period of such training and service, be permitted to vote in any general, special, or primary election occurring in the State of which he is a resident, if under the laws of such State he is entitled to vote in such election even though he is outside of such State at the time of such election.

SEC. 9. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said act, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this act, or who counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required of him under or in the execution of this act, or rules or regulations made in pursuance of this act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than 5 years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. In cases of persons subject to this act who fail to report for duty in the land or naval forces as ordered shall be tried exclusively in the district courts of the United States having jurisdiction thereof and this class of cases shall not be tried by the military and naval courts martial unless such person has been actually inducted for the training and service prescribed herein or unless he is subject to trial by court martial under laws in force prior to the enactment of this act. Cases brought under this provision shall be given preference for trial by the respective district courts. Precedence shall be given by courts to the trial of cases arising under this act.

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry this act into effect;

(2) to create and establish a selective service system, to provide for the classification of registered men on the basis of availability for service and training and to establish local boards, no member of which shall be connected with the military establishment, and such other agencies, including appeal boards and agencies of appeal, no member of which shall be connected with the military establishment, as he may deem necessary to carry the provisions of this act into effect. Such local boards shall have the power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions of exemption or deferment under this act and all questions of or claims for including or discharging individuals or classes of individuals from induction under this act;

(3) to appoint, by and with the advice and consent of the Senate, and fix the compensation, at a rate not in excess of $10,000 per annum, of a Director of Selective Service who shall be directly responsible to him, and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this act: *Provided*, That any person so appointed whose salary is at a rate in excess of $5,000 per annum shall be appointed by and with the advice and consent of the Senate;

(4) to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government, and of the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, in the execution of this act, and to require of each the performance of such duties as he directs in carrying out the provisions of this act;

(5) to purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended by the act of July 8, 1935 (49 Stat. 475), and to obtain such office equipment as he may deem necessary to carry out the provisions of this act, with or without advertising or formal contract; and

(6) to prescribe eligibility, rules, and regulations governing the parole for service in the land or naval forces, or for any other special service established pursuant to this act, of any person convicted of a violation of any of the provisions of this act.

(b) The President is authorized, under such rules and regulations as he may prescribe, to delegate any authority vested in him under this act to such officers, agents, or persons as he may designate or appoint for such purpose.

(c) The decisions of local boards with respect to any matters within their jurisdiction shall be final except where appeals are authorized in accordance with the provisions of this act and such rules and regulations as the President may prescribe. In the administration of this act voluntary services may be accepted. Correspondence necessary in the execution of this act may be carried in official penalty envelopes.

SEC. 11. The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows: "*Provided*, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Department, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms pending the determination of the issues: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility."

SEC. 12. (a) All the provisions of section 3 of the act of March 27, 1934 (48 Stat. 505), as now or hereafter amended, shall be applicable with respect to contracts hereafter entered into for weapons, ammunition, and other military equipment procured by the Ordnance Department of the Army and by the Bureau of Ordnance of the Navy to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft or any portion thereof for the Army and Navy: *Provided*, That the Secretary of War shall exercise all functions under such section with respect to such contracts for the Army, and the Secretary of the Navy shall exercise all functions under such section with respect to such contracts for the Navy.

(b) The provisions of section 3 of such act of March 27, 1934, as amended, shall, in the case of contracts or subcontracts entered into after the date of approval of this act, be limited to contracts or subcontracts where the award exceeds $50,000.

(c) All determinations hereafter required under such act of March 27, 1934, as now or hereafter amended, with respect to the costs and profits of War Department and Navy Department contracts shall be made by the Secretary of War and the Secretary of the Navy, respectively.

SEC. 13. (a) The monthly base pay of enlisted men of the Army and the Marine Corps shall be as follows: Enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30; except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War and the Secretary of the Navy, respectively, shall be $21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Enlisted men of the Army and the Marine Corps shall receive, as a permanent addition to their pay, an increase of 10 percent of their base pay and pay for specialists' ratings upon completion of the first 4 years of service, and an additional increase of 5 percent of such base pay and pay for specialists' ratings for each 4 years of service thereafter, but the total of such increases shall not exceed 25 percent.

(b) The pay for specialists' rating received by an enlisted man of the Army or the Marine Corps at the time of his retirement shall be included in the computation of his retired pay.

(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be $1.20.

(d) No back pay or allowances shall accrue by reason of this act for any period prior to the date of its enactment.

(e) Nothing in this act shall operate to reduce the pay now being received by any retired enlisted man.

(f) The provisions of this section shall be effective during the period September 1, 1940, to May 15, 1945. During such period all laws and parts of laws insofar as the same are inconsistent herewith or in conflict with the provisions hereof are hereby suspended.

SEC. 14. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all persons inducted into the land or naval forces under this act, and, except as hereinafter provided, the provisions of such act of March 8, 1918, shall be effective for such purposes.

(b) For the purposes of this section—

(1) the following provisions of such act of March 8, 1918, shall be inoperative: Section 100; paragraphs (1), (2), and (5) of section

101; article 4; article 5; paragraph (2) of section 601; and section 603;

(2) the term "persons in military service," when used in such act, shall be deemed to mean persons inducted into the land or naval forces under this act;

(3) the term "period of military service," when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is inducted into such land or naval forces under this act for any period of training and service and ending 60 days after the date on which such period of training and service terminates.

SEC. 15. (a) Every person shall be deemed to have notice of the requirements of this act upon publication by the President of a proclamation or other public notice requiring registration.

(b) If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this act.

(c) Nothing contained in this act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States, including the reserve components thereof.

SEC. 16. When used in this act—

(a) The term "between the ages of 21 and 31" shall refer to persons who have reached the twenty-first anniversary of the day of their birth and who have not reached the thirty-first anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States," when used in a geographical sense, shall be deemed to include the several States, the District of Columbia, the Territories, and the possessions of the United States, except the Philippine Islands.

SEC. 17. (a) All laws and parts of laws in conflict with the provisions of this act are hereby suspended to the extent of such conflict for the period in which this act shall be in force.

(b) All the provisions of this act shall become inoperative and cease to apply on and after May 15, 1945, unless continued in effect by the Congress, except as to offenses committed prior to such date.

(c) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

SEC. 18. This act may be cited as the "Selective Training and Service Act of 1940."

The title was amended so as to read: "A bill to provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training."

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, I desire to make an announcement for the benefit of Senators, so that they may govern themselves accordingly.

It is our purpose to take up at once, but of course not to consider tonight, the appropriation bill which is in charge of the Senator from Tennessee [Mr. MCKELLAR]. Following that, we hope to take up the conference report on the transportation bill, and finish that. I think I am within the probabilities when I say that the appropriation bill ought not to take more than a day, if that long, and I hope we may dispose of the conference report on the transportation bill by Friday evening, so that the Senate may adjourn over Labor Day until Tuesday next.

JOHN MUDRY—VETO MESSAGE (S. DOC. NO. 272)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

I have withheld my approval of S. 2686, an enrolled enactment entitled "An act authorizing the reenlistment of John Mudry in the United States Army."

The purpose of this bill is to remove the bar to reenlistment resulting from conviction on a charge of criminal negligence in the operation of an automobile which resulted in the death of several persons. The applicant was sentenced to prison for a minimum term of 2 years or a maximum term of 4 years.

In directing the Secretary of War to permit reenlistment, as well as authorizing it, the bill not only goes beyond the purpose indicated in the title but constitutes a serious encroachment upon the discretion of the Army authorities in determining the general eligibility of a particular candidate for reenlistment. While doubtless not so intended, the measure could be held to prevent consideration of other circumstances that might hereafter come to the attention of the Army authorities and warrant rejection of the applicant.

It is a practice of long standing, sanctioned by law, not to permit enlistment in the Army of persons convicted of a felony. This is a good practice, and while individual cases sometimes arise, as the one involved here, in which it causes some hardship, it is believed that the larger interests of the Army should outweigh the interest of the individual who desires reenlistment, and that the public interest will be better served by adhering to this practice. To do otherwise, moreover, would be unjust to a large number of persons who have been denied reenlistment in the past, for the same reason and without regard to individual merit or circumstance.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 28, 1940.*

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Marine Corps.

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. O'MAHONEY, from the Committee on the Judiciary, reported favorably the nomination of Alfred P. Murrah, of Oklahoma, to be judge of the Circuit Court of Appeals for the Tenth Circuit, vice Robert E. Lewis, retired.

SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATIONS

Mr. MCKELLAR. Mr. President, I move that the Senate proceed to the consideration of House bill 10263, making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Sheppard
Andrews	Donahey	Lodge	Shipstead
Ashurst	Downey	Lucas	Slattery
Austin	Ellender	Lundeen	Smathers
Bailey	George	McCarran	Smith
Bankhead	Gerry	McKellar	Stewart
Barbour	Gibson	Maloney	Taft
Barkley	Glass	Mead	Thomas, Idaho
Bone	Green	Miller	Thomas, Okla.
Bridges	Guffey	Minton	Thomas, Utah
Brown	Gurney	Murray	Tobey
Bulow	Hale	Neely	Townsend
Burke	Harrison	Norris	Truman
Byrd	Hatch	Nye	Tydings
Byrnes	Hayden	O'Mahoney	Vandenberg
Capper	Herring	Overton	Van Nuys
Caraway	Hill	Pepper	Wagner
Chandler	Holt	Pittman	Walsh
Chavez	Hughes	Radcliffe	Wheeler
Clark, Idaho	Johnson, Calif.	Reynolds	White
Clark, Mo.	Johnson, Colo.	Russell	Wiley
Connally	King	Schwartz	
Danaher	La Follette	Schwellenbach	

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 8 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Thursday, August 29, 1940, at 12 o'clock meridian.

NOMINATIONS

Examinations received by the Senate August 28 (legislative day of August 5), 1940

UNITED STATES DISTRICT JUDGE

James F. T. O Connor, of California, to be United States District Judge for the Southern District of California, vice Honorable William P. James, deceased.

UNITED STATES MARSHAL

Virgil Pettie, of Arkansas, to be United States Marshal for the Eastern District of Arkansas. Mr. Pettie is now serving in this office under an appointment which expired June 13, 1938.

UNITED STATES PUBLIC HEALTH SERVICE

The following named Sanitary Engineers to be Senior Sanitary Engineers in the United States Public Health Service, to rank as such from the dates set opposite their names:

Arthur L. Dopmeyer, September 5, 1940.
Edmund C. Sullivan, September 5, 1940.
Arthur P. Miller, September 5, 1940.
Frederic J. Moss, September 21, 1940.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICERS

To be Brigadier Generals, National Guard of the United States

Albert Ludlum Culbertson, Illinois National Guard.
Charles Christian Haffner, Junior, Illinois National Guard.

PROMOTIONS IN THE REGULAR ARMY

TO BE LIEUTENANT COLONELS WITH RANK FROM AUGUST 18, 1940

Maj. Walter Shea Wood, Infantry.
Maj. William Henry Quarterman, Field Artillery.
Maj. Benjamin Brandon Bain, Infantry.
Maj. Ira Clarence Baker, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Stanton Louis Bertschey, Field Artillery.
Maj. Cheney Litton Bertholf, Adjutant General's Department.
Maj. Ellsworth Young, Coast Artillery Corps.
Maj. Edward Reese Roberts, Field Artillery.
Maj. Walter Ernst Lauer, Infantry.
Maj. Frank Hitch Pritchard, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Albert Hugh Dumas, Infantry.
Maj. Paul Shober Jones, Judge Advocate General's Department, subject to examination required by law.
Maj. Paul Thompson Baker, Infantry.
Maj. Robert Porter Bell, Infantry.
Maj. Edwin William Piburn, Infantry.
Maj. Kenneth Stoddard Whittemore, Infantry.
Maj. Jerry Vrchlicky Matejka, Signal Corps.
Maj. Frank Huber Partridge, Adjutant General's Department.
Maj. Derril deSaussure Trenholm, Field Artillery, subject to examination required by law.
Maj. Michael Edmond Halloran, Infantry.
Maj. Idwal Hubert Edwards, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Paul James Vevia, Infantry.
Maj. Carl Julian Dockler, Cavalry.
Maj. Milton Heilfron, Coast Artillery Corps.
Maj. Olin Coke Newell, Cavalry.
Maj. Paul Steele, Infantry.
Maj. Robert Emmett Cummings, Infantry.
Maj. Louis Simmons Stickney, Signal Corps.
Maj. William Hesketh, Coast Artillery Corps.
Maj. Maurice Garver Stubbs, Infantry.
Maj. Archibald Andrew Fall, Infantry.
Maj. Frank Romaine Schucker, Infantry.
Maj. George Stewart Warren, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Mario Cordero, Coast Artillery Corps.
Maj. Henry Oscar Swindler, Infantry.
Maj. Haskell Allison, Signal Corps.
Maj. Russell Skinner, Infantry.
Maj. George Warren Dunn, Jr., Coast Artillery Corps.
Maj. John Alexander Klein, Adjutant General's Department.
Maj. Arthur Harold Luse, Ordnance Department.
Maj. William Arthur Swift, Infantry.
Maj. John Edwin Grose, Infantry.
Maj. Lawrence Archie Kurtz, Field Artillery.
Maj. Daniel Webster Hickey, Jr., Coast Artillery Corps.
Maj. Harry Reichelderfer, Signal Corps.
Maj. Alexander Russell Bolling, Infantry.
Maj. Duncan Thomas Boisseau, Field Artillery.
Maj. James Leonard Garza, Infantry.
Maj. John Dunbar Chambliss, Infantry.
Maj. Elvin Leon Barr, Coast Artillery Corps.
Maj. Douglas Eaton Morrison, Coast Artillery Corps.
Maj. Thomas Eugene Jeffords, Coast Artillery Corps.
Maj. Frank Hendricks Hastings, Coast Artillery Corps.
Maj. Joseph Hiram Gilbreth, Coast Artillery Corps.
Maj. Harold Gilbert Archibald, Coast Artillery Corps.
Maj. Daniel Howe Hoge, Coast Artillery Corps.
Maj. Reamer Walker Argo, Coast Artillery Corps.
Maj. Eugene Thomas Conway, Coast Artillery Corps.
Maj. Frederick Adelmer Ward, Philippine Scouts.
Maj. Ralph Hirsch, Field Artillery.
Maj. William Joseph Egan, Field Artillery.
Maj. Talley Dozier Joiner, Adjutant General's Department.
Maj. Robert Victor Maraist, Field Artillery.
Maj. Lawrence Patterson, Cavalry.
Maj. Lester Hardee Barnhill, Infantry.
Maj. Sterner St. Paul Meek, Ordnance Department.
Maj. Melvin Lewis Craig, Field Artillery.
Maj. Elbert Arcularius Nostrand, Infantry.
Maj. Hervey Aldrich Tribolet, Infantry.
Maj. Robert Brooks Ennis, Infantry.
Maj. Levie Wilson Foy, Quartermaster Corps.
Maj. John Cord Blizzard, Jr., Infantry.
Maj. Warren Henry McNaught, Field Artillery.
Maj. Roy Edson Craig, Cavalry.
Maj. Robert Ignatius Stack, Infantry.
Maj. John Huling, Jr., Ordnance Department.
Maj. Early Edward Walters Duncan, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Edward Marple Daniels, Quartermaster Corps.
Maj. Horace Kelita Heath, Infantry.
Maj. Bartholomew Robins DeGraff, Infantry.
Maj. Harold Napoleon Gilbert, Adjutant General's Department.
Maj. William Albert Collier, Infantry.
Maj. Leonard Harrison Frasier, Field Artillery, subject to examination required by law.
Maj. Archibald Miles Mixson, Infantry, subject to examination required by law.
Maj. Clifford Bert Cole, Field Artillery.
Maj. Albert Gresham Wing, Infantry.
Maj. William Fred Rehm, Infantry.
Maj. Edward Nicholson Fay, Quartermaster Corps.
Maj. Donald Thomas Nelson, Finance Department.
Maj. Richardson Lester Greene, Field Artillery.
Maj. George Clarence Nielsen, Infantry.
Maj. Earl Campbell Horan, Infantry.
Maj. Wallace William Millard, Infantry.
Maj. Arthur Grady Hutchinson, Infantry.
Maj. Norman Marcus Nelsen, Infantry, subject to examination required by law.
Maj. Roy Nathan Hagerty, Infantry.
Maj. Ronald Lowe Ring, Infantry.
Maj. Alfred Timothy Wright, Quartermaster Corps.
Maj. John Ainsworth Andrews, Infantry.
Maj. George Andrew Lockhart, Quartermaster Corps.
Maj. James Julian Pirtle, Infantry.
Maj. Alfred Edward Dedicke, Infantry.

Maj. Wilbur Ellsworth Bashore, Infantry.
Maj. Harold Head, Infantry.
Maj. Walter William Boon, Cavalry.
Maj. Hugh McCord Evans, Infantry, subject to examination required by law.
Maj. Michael Joseph Mulcahy, Infantry.
Maj. Harold Stokely Wright, Quartermaster Corps.
Maj. Lois Chester Dill, Quartermaster Corps.
Maj. Edward James Maloney, Infantry.
Maj. Richard Abram Jones, Infantry.
Maj. Nelson Macy Walker, Infantry, subject to examination required by law.
Maj. Milton Brandt Goodyear, Infantry.
Maj. William Ewart Gladstone Graham, Infantry..
Maj. Jesse Ralston Lippincott, Infantry.
Maj. Francis Russel Lyons, Corps of Engineers.
Maj. William Norman Thomas, Jr., Corps of Engineers.
Maj. Lee Sommerville Dillon, Corps of Engineers.
Maj. Peter Edward Bermel, Corps of Engineers.
Maj. Carl Raymond Shaw, Corps of Engineers.
Maj. Theron DeWitt Weaver, Corps of Engineers.
Maj. Frederic Franklyn Frech, Corps of Engineers.
Maj. John Elliott Wood, Corps of Engineers.
Maj. Edward North Chisolm, Corps of Engineers.
Maj. James Sproule, Quartermaster Corps.
Maj. Joseph John Schmidt, Infantry.
Maj. Arthur Bothwell Proctor, Quartermaster Corps.
Maj. George Augustine Frazer, Judge Advocate General's Department, subject to examination required by law.
Maj. Royden Williamson, Cavalry.
Maj. Charles Clement Quigley, Adjutant General's Department.
Maj. Reginald Johnston Imperatori, Coast Artillery Corps.
Maj. Raymond Greenleaf Sherman, Infantry.
Maj. William Cone Mahoney, Quartermaster Corps.
Maj. Alpha Brumage, Field Artillery.
Maj. Sherman I. Strong, Quartermaster Corps.
Maj. Lee W. Card, Quartermaster Corps.
Maj. Leighton E. Worthley, Infantry.
Maj. Gilbert Sylvester Woolworth, Judge Advocate General's Department.
Maj. Henry Mahoney Denning, Finance Department.
Maj. John Albert Shaw, Infantry.
Maj. Wesley Wright Price, Quartermaster Corps.
Maj. James Paul Lloyd, Infantry.
Maj. Thomas Asbuary Harris, Infantry.
Maj. Charles Clarke Loughlin, Infantry.
Maj. Lawrence Peter Worrall, Finance Department.
Maj. Milton Humes Patton, Cavalry.
Maj. Brom Ridley Whitthorne, Quartermaster Corps.
Maj. Gilbert Rieman, Cavalry.
Maj. Wallace Edwin Durst, Quartermaster Corps.
Maj. Hiram Edwin Tuttle, Quartermaster Corps.
Maj. John Walter Campbell, Infantry.
Maj. Samuel Alexander Greenwell, Cavalry, subject to examination required by law.
Maj. John William Thompson, Quartermaster Corps, subject to examination required by law.
Maj. George Cook Hollingsworth, Infantry.
Maj. Charles Otis Ashton, Infantry.
Maj. Joel Franklin Watson, Judge Advocate General's Department.
Maj. John Conrad Hutcheson, Quartermaster Corps.
Maj. William Downing Wheeler, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. David Ransom Wolverton, Quartermaster Corps.
Maj. William Eldon Harris, Corps of Engineers.
Maj. Gregory Sumner Lavin, Ordnance Department.
Maj. Arthur Freeman Bowen, Infantry.
Maj. Herbert Horton Lewis, Infantry.
Maj. George Ray Ford, Quartermaster Corps.
Maj. Newton Harrell Strickland, Ordnance Department.
Maj. John Vincent Rowan, Quartermaster Corps.
Maj. William Henry Beers, Infantry.
Maj. Willis Dodge Cronkhite, Infantry.
Maj. John Alexander Russell, Quartermaster Corps.
Maj. Theodore Tyler Barnett, Quartermaster Corps.
Maj. William Addison Ray, Field Artillery.
Maj. Lloyd Spencer Spooner, Infantry.
Maj. Leon Ewart Savage, Field Artillery.
Maj. Henry Mills Shoemaker, Cavalry.
Maj. Eugene Erwin Morrow, Infantry.
Maj. Kinsley Wilcox Slauson, Quartermaster Corps.
Maj. Fred Tenderholm Neville, Quartermaster Corps.
Maj. Louis Duzzett Farnsworth, Coast Artillery Corps.
Maj. Harry Martel Gwynn, Infantry.

APPOINTMENT IN THE REGULAR ARMY

Edward Casimir Rogowski to be a second lieutenant in the Medical Administrative Corps, with rank from date of appointment.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY TO QUARTERMASTER CORPS

First Lt. Ivan Walter Parr, Jr., Infantry, with rank from June 13, 1936.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 28, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious God, our Heavenly Father, who hast called us to another day and assured us that we are still partakers of Thy life, before Thee nothing is common nor worthless in human life. We earnestly desire to enter into closer relationship with Thee. In labor, in association, and in the needful pauses, may we find cheer, high purpose, and an incentive to do the right and shun the wrong. Grant unto us wisdom to pursue splendid ends with intelligent zeal and patient effort that our service to our country may broaden, deepen, and bless all life. God bless America. It can be saved only by becoming permeated by the spirit of the Master and being made free and happy by the practices which spring out of His spirit. The Christ will give to all those who walk in His way victory over the things that seem impossible. We reverently pray that our citizens throughout our land may give their lives in a colossal sacrifice out of which was born our national unity and our continuance as a nation. Almighty God, Thou hast a plan which will preserve us from drifting into a materially minded people, from ease and from moral laxity. O speak to us that we may hear a voice, not of ourselves, that will direct the character and destiny of our land, born in the guidance and fear of our infinite Heavenly Father. The Lord bless our Speaker and the Congress. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed bills of the House of the following titles:

On August 27, 1940:

H. R. 10030. An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes; and

H. R. 10213. An act to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

House Resolution 581

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the

consideration of S. 4271, a bill to increase the number of midshipmen at the United States Naval Academy. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include a letter which I received from the White House with regard to the part the Negroes are to play in the preparedness program.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRINTING OF HEARINGS BEFORE WAYS AND MEANS COMMITTEE

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 2888) an original privileged concurrent resolution (H. Con. Res. 87) authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on proposed legislation relative to the Excess Profits Taxation Act for 1940, and ask unanimous consent for its present consideration.

The Clerk read as follows:

House Concurrent Resolution 87

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of the hearings held before said committee during the current session on proposed legislation relative to the Excess Profits Taxation Act for 1940.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. Gladly.

Mr. MICHENER. How are these copies to be distributed?

Mr. JARMAN. This resolution results from a request of the chairman of the Ways and Means Committee, and they will be delivered to that committee for distribution.

Mr. MICHENER. In other words, this is just an ordinary committee print and anybody desiring copies will have to make application to the Ways and Means Committee.

Mr. JARMAN. Yes; that is the customary way.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Courant of Hartford, Conn., a Republican paper.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the woolen bill, and also unanimous consent to extend my remarks in the RECORD on the poll tax.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ANNOUNCEMENT

Mr. SABATH. Mr. Speaker, I desire to announce that, upon the urgent request of the chairman of the Ways and Means Committee, the Rules Committee will meet at 1:30 p. m. today.

NAVAL DEFENSE APPROPRIATION

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, no doubt the House is aware of the fact that authorization bills in the amount of $7,000,000,000 have been passed for the Naval Establishment. Approximately $3,320,000,000 of that authorization has been made available by appropriation and contract authorization. It is the intention of the Naval Affairs Committee of the House to keep the House and the country thoroughly conversant, as far as possible, with these expenditures. I therefore ask unanimous consent, Mr. Speaker, to insert in the Appendix of the RECORD a list of all negotiated contracts, with the name of the contractors and the fees and the place where the work is going on, and also to insert in the RECORD a complete list of all engineering firms that have been called in, the places for which they have drawn the designs and blueprints, and their fees.

Mr. RICH. Mr. Speaker, reserving the right to object—and I will not object—but I hope the gentleman will place in the RECORD at the same time the information as to where you are going to get the money to go ahead with these contracts.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a declaration against delay in prompt and adequate defense by representatives of the American Legion, World War Veterans, and citizens of Mississippi, in mass meetings assembled, in Jackson, Miss., on Sunday, August 25, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE LATE HONORABLE GEORGE N. SEGER

Mr. DONDERO. Mr. Speaker, at the request of the Committee on Rivers and Harbors, I ask unanimous consent to include in the CONGRESSIONAL RECORD at this point a resolution unanimously passed this morning by the committee upon the passing of our late lamented friend, Hon. GEORGE N. SEGER, of New Jersey.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution is as follows:

With profound sorrow, the Committee on Rivers and Harbors of the House of Representatives records the passing of one of its most distinguished, earnest, and conscientious members, the Honorable GEORGE N. SEGER, of the Eighth District of New Jersey.

He was the ranking minority member of this committee and had served continuously for 18 years. Always diligent and attentive to duty; always the kindly gentleman. He was always ready to contribute his voice and great ability, supported by long experience, to the advancement and progress of the Nation. His counsel and opinion held the respect of every member of this committee. His conception of public office was that it was a public trust, and no man could discharge that trust with greater fidelity and honor to the people of his district, State, and Nation than our lamented friend and colleague whose passing we mourn.

In recognition of his long and untiring services as a member of this committee and a legislator in the council halls of the Nation, we, his colleagues, wish to express our sense of personal loss in the death of our beloved and venerable friend and fellow member, and also to record our sincere appreciation for his distinguished services to the country; be it therefore

Resolved, That this expression of our respect and esteem be sent to the family of Mr. SEGER, spread upon the records of this committee, and offered for inclusion in the CONGRESSIONAL RECORD.

EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject This Changing World.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a brief Associated Press statement appearing in the newspapers today showing that the American Legion of the State of Illinois had come out against the Burke-Wadsworth conscription bill.

The SPEAKER. Is there objection?

There was no objection.

WHO IS TO BLAME FOR CONSCRIPTING MEN AND EXEMPTING INDUSTRY?

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I see by the papers that Congress is to blame for the delay in the building of planes, making of bullets, tanks, and so forth. I have it on good authority that the United States confronts an emergency in national defense. I have it on reasonably good authority that this emergency calls for the drafting of men to use the planes, guns, and tanks. It occurs to me, Mr. Speaker, that if we have such an emergency we had better pass a true universal service bill to insure that these boys will have something with which to fight. If the emergency calls for drafting men to fight, does it not call for drafting men to work in essential industries? Is it not as logical to draft capital that does not fight as to draft soldiers that do? In my humble opinion, if there be a sit-down strike anywhere along the line, the American people will never forgive an administration that conscripts men to fight and exempts industry to work at high wages and guaranteed profits. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an editorial from the Saturday Evening Post.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that after the completion of business on the Speaker's desk and any other special orders that may have heretofore been entered, I be permitted to address the House for 15 minutes today.

The SPEAKER. Is there objection?

There was no objection.

PREPAREDNESS

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENDER. Mr. Speaker, I observe in the morning press that the President has blamed Congress for the lack of preparedness on the part of the Nation. As a matter of fact, we are to blame because we gave him the power and the money to prepare and he did not do it. We admit our mistake in entrusting it to him. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include the acceptance address of my fellow Oregonian, Hon. CHARLES L. MCNARY.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of slum clearance and include a resolution I have introduced to further investigate the program.

The SPEAKER. Is there objection?

There was no objection.

ILIJA RASHETA

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask leave to withdraw from the Committee on Military Affairs' files on the bill (H. R. 4150) for the relief of Ilija Rasheta the original Army discharge.

The SPEAKER. Is there an adverse report?

Mr. SCHAFER of Wisconsin. No, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ACCIDENTS IN COAL MINING

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, an Associated Press dispatch from Bates, Ark., dated August 27, carries the news that—

> Nine men were killed late today and a tenth still unaccounted for at 9:30 o'clock, after an explosion at the Bates Coal Corporation mine near here.

This is nothing unusual. Most every day we hear about persons being killed in coal-mine accidents. During the past year, or a little more, more than 1,600 coal miners lost their lives in explosions. Those lives could probably have been saved had we had an adequate Federal mine-inspection law.

I urge each Member of the House, therefore, who is interested in saving lives, to sign the discharge petition No. 35. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a radio speech made by Hon. Francis Biddle, Solicitor General of the United States, on the registration of aliens.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to insert a letter which I received from the Non-Sectarian League For Americanism and an editorial which appeared in "Der Frontkamarad," the official publication of the German World War Veterans' Organization of Chicago.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PETERSON of Florida. Mr. Speaker, at the request of our colleague the gentleman from Pennsylvania [Mr. SNYDER], I ask unanimous consent that the special order assigned to him of 30 minutes for Thursday be carried over until next Tuesday, September 3, at the conclusion of the legislative program and such other special orders as may have been entered for that day.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

Mr. PETERSON of Florida. Mr. Speaker, I wish to announce the death of the brother of the gentleman from Pennsylvania [Mr. SNYDER] and ask that the gentleman from Pennsylvania be excused for the balance of the week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an article from the financial page of the Los Angeles Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Mr. Speaker, I have asked for this time in order to make an inquiry of the gentlemen on the minority side. Last evening a very able address was made out in Oregon by the Vice Presidential candidate on the Republican ticket. I listened to it carefully. I also listened to the acceptance speech of the Republican Presidential candidate, Mr. Willkie. There seems to be a debate between the Presidential and the Vice Presidential candidates, and I have been wondering if any Member on the minority side was going to ask unanimous consent to insert last night's speech in the RECORD. If not, I think it might be proper for me to do it. [Applause.]

Mr. HOFFMAN. Mr. Speaker——

The SPEAKER. The gentleman from Michigan.

Mr. HOFFMAN. I will ask that unanimous consent as an evidence of independence and free thinking. We do not need just one man to express our thoughts.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the address referred to be printed in the Appendix of the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ANGELL. Mr. Speaker, that was already inserted under my request to extend remarks a moment ago. [Laughter and applause.]

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Inasmuch as the request to include in the RECORD the splendid address delivered last night by Senator MCNARY has already been granted, may we thank the majority leader for his solicitude and suggest that it is reassuring to know that the distinguished majority leader recognizes the merits of the address delivered by the next Vice President.

The SPEAKER. The gentleman from Michigan has stated no parliamentary inquiry.

PRIVILEGE OF THE HOUSE

The SPEAKER. The unfinished business before the House is the question of the privilege of the House raised by the gentleman from Montana. Does the gentleman from Montana desire to be recognized?

Mr. THORKELSON. I want to be recognized, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montana.

Mr. WOLCOTT. Mr. Speaker, I wonder if the gentleman from Montana before he proceeds would yield long enough to permit the chairman of the Committee on Roads to take up the conference report on the highway bill. I feel certain I can assure the House that this will be very brief.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. THORKELSON. I yield for that, Mr. Speaker.

AMENDMENT TO FEDERAL AID HIGHWAY ACT

Mr. CARTWRIGHT. Mr. Speaker, I call up the conference report on the bill (H. R. 9575) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, are the minority members of the conference committee here?

Mr. CARTWRIGHT. Yes. The gentleman from Michigan [Mr. WOLCOTT], who just asked the gentleman from Montana to yield, is one of them.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 10, 21, 22, 23, 24, 28, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 25, 26, and 27, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate, insert the figure "$17,500,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the figure inserted by the Senate insert the figure "$17,500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the period at the end of the Senate amendment, insert a comma and the following: "and the total of the apportionments to each State during the 6-year period beginning with the fiscal year 1942 shall equal the total of the apportionments that would have been made to each State during such period if the discretionary power conferred by this proviso had not been exercised"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: After the word "construction", insert the following: "and maintenance"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Strike out the Senate amendment and in lieu thereof insert the following:

"SEC. 12. (a) The Reconstruction Finance Corporation, pursuant to its authority under existing law and subject to all the terms and conditions thereof, is authorized to cooperate with States to finance, or to aid in financing, the acquisition of real property or interests in property (any such acquisition being herein called a 'right-of-way') necessary or desirable for road projects eligible for Federal aid under the Federal Highway Act (42 Stat. 212), as amended and supplemented.

"(b) Every loan or purchase of securities by Reconstruction Finance Corporation to finance or to aid in financing the acquisition of a right-of-way, as defined in this section, shall hereafter be made only after approval of the project (including the plans, administration, and financing thereof) by the highway department of the State and by the Public Roads Administration of the Federal Works Agency."

And the Senate agree to the same.

Amendment numbered 30: That the Senate recede from its disagreement to the amendment of the House numbered 30, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 13. The Commissioner of Public Roads, in cooperation with the State Highway Departments of the respective States, is hereby authorized, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside development areas, for the landing and take-off of aircraft."

And the House agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 14"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 15"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: Renumber the section as follows: "SEC. 16"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 17. Any amounts heretofore apportioned to any State under the provisions of Section 7 of the Act of June 16, 1936 (49 Stat. 1521), for secondary or feeder roads, for which the period of availability expired on June 30, 1940, and which remained unexpended on said date, shall not be reapportioned to all the States as required by Section 21 of the Federal Highway Act, but shall remain available to such State until June 30, 1941, and any balance of such amounts then remaining unexpended shall be reapportioned to all of the States in the manner now provided by law."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 18. Funds authorized and made available under Section 21 of the Federal Highway Act as amended may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national-defense agency."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following:

"SEC. 19. In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite the construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: Strike out the Senate amendment, and insert in lieu thereof the following: "20"; and the Senate agree to the same.

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL M. WHITTINGTON,
JESSE P. WOLCOTT,
JAMES W. MOTT,
Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
LYNN J. FRAZIER,
ROBERT M. LA FOLLETTE, Jr.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Authorizes $100,000,000 for regular Federal aid for the fiscal year ending June 30, 1942, as proposed by the Senate, instead of $93,750,000, as proposed by the House.

On amendment No. 2: Authorizes $100,000,000 for regular Federal aid for the fiscal year ending June 30, 1943, as proposed by the Senate, instead of $93,750,000, as proposed by the House.

On amendment No. 3: Authorizes $17,500,000 for secondary roads for the fiscal year ending June 30, 1942, instead of $18,750,000 as proposed by the House, and $15,000,000 as proposed by the Senate.

On amendment No. 4: Authorizes $17,500,000 for secondary roads for the fiscal year ending June 30, 1943, instead of $18,750,000, as proposed by the House, and $15,000,000, as proposed by the Senate.

On amendment No. 5: Strikes out the proposal of the Senate to amend the provision of the House to require that for a State to receive its Federal-aid apportionment without matching the special highway-user taxes levied by such State shall be at least equal to the average of such special taxes levied by all States.

On amendment No. 6: Strikes out the proposal of the Senate to permit States to receive Federal aid without matching if the constitution of the State provides that all special taxes on motor-vehicle transportation shall be used for highway purposes.

On amendment No. 7: Strikes out the proposal of the Senate to change the number of a condition in the provision of the House.

On amendment No. 8: Authorizes $20,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1942, as proposed by the Senate, instead of $37,500,000, as proposed by the House.

On amendment No. 9: Authorizes $20,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1943, as proposed by the Senate, instead of $37,500,000, as proposed by the House.

On amendment No. 10: Strikes out the proposal of the Senate to permit the use of grade-crossing elimination funds for secondary road improvements.

On amendment No. 11: Amends the provision of the House so that $7,000,000 is authorized for forest highways, and $3,000,000 for forest development roads and trails, for the fiscal year ending June 30, 1942, and like amounts for the fiscal year ending June 30, 1943, instead of $10,500,000 for forest highways, roads and trails, for each of said years, as proposed by the House; and provides method of administering forest highway appropriations.

On amendment No. 12: Strikes out the provision of the House requiring that the Secretary of Agriculture shall apportion certain forest highway funds.

On amendment No. 13: Provides method for apportioning forest highway funds to States with small forest areas.

On amendment No. 14: Authorizes $1,500,000 for the fiscal year ending June 30, 1942, for public-land roads, as proposed by the Senate, instead of $1,875,000, as proposed by the House.

On amendment No. 15: Authorizes $1,500,000 for the fiscal year ending June 30, 1943, for public land roads, as proposed by the Senate, instead of $1,875,000, as proposed by the House.

On amendment No. 16: Provides that apportionments for public-land roads shall be made on the basis of the area of such lands in each State as shown by certificate of the Secretary of the Interior which he is directed to make each year.

On amendment No. 17: Authorizes $4,000,000 for the fiscal year ending June 30, 1942, for national-park roads and trails, as proposed by the Senate, instead of $5,625,000, as proposed by the House.

On amendment No. 18: Authorizes $4,000,000 for the fiscal year ending June 30, 1943, for national-park roads and trails, as proposed by the Senate, instead of $5,625,000, as proposed by the House.

On amendment No. 19: Provides that appropriations for national park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administator.

On amendment No. 20: Provides that hereafter national parkways shall be constructed in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

On amendment No. 21: Authorizes $3,000,000 for the fiscal year ending June 30, 1942, for Indian roads, as proposed by the House, instead of $2,500,000, as proposed by the Senate.

On amendment No. 22: Authorizes $3,000,000 for the fiscal year ending June 30, 1943, for Indian roads, as proposed by the House, instead of $2,500,000, as proposed by the Senate.

On amendment No. 23: Strikes out the proposal of the Senate to amend the provision of the House which limits roadside development to publicly owned or controlled recreational areas.

On amendment No. 24: Strikes out the proposal of the Senate to amend the provision of the House to limit roadside development to recreational areas owned or controlled by the States or their political subdivisions.

On amendment No. 25: Limits roadside and landscape development with the aid of Federal funds to that approved by the Public Roads Administration.

On amendment No. 26: Makes a slight change in the form of the provision of the House, substituting the words *"Provided,* That" for the word "and."

On amendment No. 27: Limits to 3 percent, as proposed by the Senate, instead of 5 percent as proposed by the House, the amount of Federal-aid funds apportioned to any State which may be used without being matched by the State for the purchase of adjacent strips of land for the preservation of the natural beauty through which highways are constructed.

On amendment No. 28: Strikes out the proposal of the Senate to amend the provision of the House which permits limited use of Federal-aid funds for the preservation of the natural beauty through which highways are constructed, without such funds being matched by the States.

On amendment No. 29: Authorizes the Reconstruction Finance Corporation to cooperate with States in financing the acquisition of rights-of-way needed for Federal-aid road projects, as proposed by the House, but strikes out, as proposed by the Senate, the House provision that in case of default on any loan for such purpose the amount of such default may be deducted from Federal-aid highway funds apportioned to the State in default.

On amendment No. 30: Authorizes the Commissioner of Public Roads, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside developments for landing and take-off of aircraft.

On amendment No. 31: Directs the Commissioner of Public Roads to investigate the service afforded by all highways of each State and report to the Congress each year the progress made in classifying the highways into groups composed of roads of similar service importance, as proposed by the Senate.

On amendment No. 32: Authorizes the Public Roads Administration to pay transportation and subsistence expenses of employees assigned to perform engineering services beyond continental United States and to increase the compensation of any such employee during such assignment, as proposed by the Senate.

On amendment No. 33: Authorizes the reapportionment to all of the States of any funds withheld by the Public Roads Administration from any State as a penalty for diversion of road-user taxes to nonhighway purposes, as proposed by the Senate.

On amendment No. 34: Extends until June 30, 1941, or for 1 year, the period of availability of Federal funds for secondary or feeder roads heretofore apportioned to any State, as proposed by the Senate.

On amendment No. 35: Authorizes the use of Federal highway administrative funds to pay the engineering costs of surveys, plans, specifications, estimates, and supervision of construction of projects for urgent improvements on highways strategically important from the standpoint of national defense.

On amendment No. 36: Authorizes the Commissioner of Public Roads to give priority of approval to projects important to the national defense.

On amendment No. 37: Strikes out the proposal of the Senate to restrict the construction of bridges within 10 miles of an existing toll bridge.

On amendment No. 38: Renumbers the section.

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL M. WHITTINGTON,
JESSE P. WOLCOTT,
JAMES W. MOTT,
Managers on the part of the House.

Mr. CARTWRIGHT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. THORKELSON. Mr. Speaker, I yield if it is not taken out of my time.

The SPEAKER. It will not be taken out of the gentleman's time.

INCREASING NUMBER OF MIDSHIPMEN AT UNITED STATES NAVAL ACADEMY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 4271, to increase

the number of midshipmen at the United States Naval Academy and its immediate consideration. I may say, Mr. Speaker, this is the bill we had up yesterday and for which the Rules Committee has this morning granted a rule. I hope we may obtain unanimous consent for the consideration of this bill without invoking the rule.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

Mr. RICH. Mr. Speaker, reserving the right to object, I would not have objected yesterday had I been permitted to ask one additional question of the gentleman from Georgia. It seems when we try to do something in the House they want to shove it through without giving the Members the proper notice that they should have nor the information they should have. That was the reason for my objection yesterday. May I ask the gentleman why it is that we set the date of April 1 for the age limit when it is ordinarily the first of June to be 20 years of age?

Mr. VINSON of Georgia. Because that applies to those in 1939.

Mr. RICH. It is April 1?

Mr. VINSON of Georgia. Yes.

Mr. RICH. Then I have been misinformed on that. I wondered why that amendment was placed in the bill.

Mr. HOBBS. Mr. Speaker, reserving the right to object, may I ask the distinguished and able chairman of the Committee on Naval Affairs if he has any statement that he can make to the House with respect to the 2,000 retired naval officers who have been educated at Annapolis, graduated, and commissioned but are now on the retired list? They have been adjudged by duly constituted Navy selection boards to be fitted officers, physically, mentally, and morally. They are at this moment fit to perform the duties of officers in our Navy immediately, without 4 years of schooling. Can the gentleman give us any assurance whatsoever that those men will be called back into the active service of the Nation?

Mr. VINSON of Georgia. As I understand it, there are some 2,000 officers physically qualified on the retired list. Approximately 1,000 of these officers have already been called back to service. The Navy Department states that it has not sufficient money right now to call the balance of them back, but I am in disagreement with the Navy Department on that point. I think they do have sufficient money and that these men should be called back because the Navy needs them. For instance, let us take the naval officer detailed to the Committee on Naval Affairs. When we finished the major portion of our work I asked the Navy Department to take him back to the Naval Establishment so he could do a full day's work down there. We are in need of these officers, and they should be called back.

Mr. HOBBS. May I ask the distinguished gentleman if, in his deliberate judgment, there is a real necessity for the additional midshipmen authorized by the bill?

Mr. VINSON of Georgia. It is essential to man ships that will go into commission in approximately 4 years from now. Of course, it will take 4 years for these boys to be educated.

Mr. PLUMLEY. Mr. Speaker, reserving the right to object, my inquiry relates to those officers who have been relegated to the dump heap by reason of the selection boards. Will any of them be called back into service?

Mr. VINSON of Georgia. Under the law and by the cooperation of the gentleman from Vermont [Mr. PLUMLEY], the gentleman from Pennsylvania [Mr. DITTER], and the gentleman from Alabama [Mr. HOBBS], as well as others, we wrote into an appropriation bill that any officer passed by the selection board and who is capable could not be put upon the retired list during the limited emergency. So every Member of Congress can thoroughly understand that any officer, whether he is promoted by the selection board as best fitted or if he is classified as a fitted officer by mandate of Congress, has got to stay in the service of his country unless he makes application under other provisions of the law for retirement.

Mr. DITTER. Mr. Speaker, reserving the right to object, are we to assume, then, that that change of attitude is an admission of a mistake on the part of the administration for not having taken that course prior to the emergency?

Mr. VINSON of Georgia. It is due entirely to the need for officers. It would be folly to be sending boys to the Naval Academy, on the one hand, and turning them out on the other hand after they have had 14, 21, or 29 years service when we need the officers.

Mr. DITTER. That is the procedure they have been following.

Mr. VINSON of Georgia. We need the officers now. We are keeping the officers. Anyone can take all the credit he wants to for that provision of the law. The result is what counts.

Mr. DITTER. Will this apply to the aviation as well as to the other types of officers?

Mr. VINSON of Georgia. What does the gentleman mean?

Mr. DITTER. The matter of giving way under the selection system.

Mr. VINSON of Georgia. It applies to marines and to naval officers irrespective of which division of the service they work in. The gentleman from Pennsylvania is well aware of that because by his aid and cooperation we got it through. [Applause.] I think we have covered this subject fully now, Mr. Speaker.

Mr. WALTER. Mr. Speaker, reserving the right to object, will the gentleman tell me what happened to the 20 naval aviators who were found fitted but despite that fact were relieved from duty?

Mr. VINSON of Georgia. They were not permitted to go out because Congress stepped in by placing an amendment on an appropriation bill and stayed the hand of the selection board.

Mr. WHITTINGTON. I reserve the right to object, Mr. Speaker. The report on the pending bill stipulates that the candidates named in that report will be admitted if this bill passes. I am advised that subsequent to the submission of the report other alternates for 1940 whose papers have been examined have qualified mentally. My question is whether or not, notwithstanding the fact that they are not named in the report, those candidates mentally qualified will be admitted.

Mr. VINSON of Georgia. The gentleman is correct, because the language of the bill governs instead of the language of the report.

Mr. HOBBS. Reserving the right to object, Mr. Speaker, may I ask the distinguished gentleman if this is not the status of the legislative situation: The bill reported out by the distinguished gentleman and his Committee on Naval Affairs passed both Houses but was vetoed. That bill would have accomplished the desired result in the regular, orderly legislative way, but now the only hope of those retired officers, and our only hope of their further service in the Navy is a rider on an appropriation bill, which by its terms will expire in 1 year.

Mr. VINSON of Georgia. The gentleman is correct. The bill by which we sought to accomplish the retention of these officers was vetoed. We took that provision out of the bill and put it into an appropriation bill, and it was signed.

Mr. HOBBS. But we have the assurance of the gentleman that the policy of his committee and his personal attitude is that these men as speedily as possible must be not only retained but put to work in the service of the Navy?

Mr. VINSON of Georgia. If I had my way, they would work more than any 8 hours, too. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That until September 14, 1940, the President is authorized to appoint as additional midshipmen at large at the Naval Academy those competitive and alternate candidates designated for admission in the calendar years 1939 and 1940 who were found mentally qualified therefor prior to the date of this act but were not accepted for reasons other than physical disqualification.

With the following committee amendment:

Page 1, line 9, after "disqualification", insert a colon and the following proviso: *"Provided,* That no such candidate shall be eligible for admission who was more than 20 years of age on April 1, 1940."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 581 was laid on the table.

QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. SABATH. Mr. Speaker, the gentleman from Montana has been recognized on his resolution, claiming that the matter about which he has risen involves a question of personal privilege.

The SPEAKER. And the privilege of the House.

Mr. SABATH. And the privilege of the House. I maintain that it does not, and I desire to read his resolution and leave it with the Speaker whether it does or not. This is the gentleman's resolution:

Resolved, That the remarks appearing on page 10342——

Mr. SCHAFER of Wisconsin. Mr. Speaker, a point of order. The gentleman is clearly out of order under the rules of the House. The gentleman from Montana has been recognized.

Mr. SABATH. This is a parliamentary inquiry.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. THORKELSON. No, Mr. Speaker. I should like to proceed on my question of privilege.

The SPEAKER. The gentleman from Montana declines to yield.

Mr. SABATH. Then, Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SABATH. My point of order is that the gentleman's resolution does not involve a question of personal privilege or even the privilege of the House, and this is the reason why I make the point of order. The gentleman's resolution states:

Resolved, That the remarks appearing on page 10342 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit—

And these are my statements:

The House will recall that in the Appendix of the RECORD, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him.

On this he bases the question of privilege on which he has been recognized. All this appeared in the CONGRESSIONAL RECORD, as I stated, of May 16. I merely restated what I stated then. I wish to state again that I asked unanimous consent to revise and extend my remarks, putting these few lines in there which had already appeared in the CONGRESSIONAL RECORD on May 16. However, I find and am informed that the RECORD does not show that I obtained unanimous consent for that. I am not going to set myself up as saying that they all made a mistake. I am satisfied that I received that consent. The reporter may not have heard me when I made that request. But in view of the fact that the same language appears in the RECORD on May 16, if there should be any question, I am willing to withdraw the remarks because they are a part of the speech I made on the floor of the House on May 15, and every word was reinserted on August 14.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order against the gentleman's point of order that it comes too late, because the Speaker had recognized the gentleman from Montana on the question of the privilege of the House and the gentleman had proceeded under that recognition and had yielded for unanimous-consent requests.

Mr. MICHENER rose.

The SPEAKER. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. MICHENER. Everything the gentleman from Chicago has said is res adjudicata as far as the rules are concerned. The Speaker has already ruled that the gentleman from Montana had a question of personal privilege and was entitled to the flocr, and has recognized him. Therefore the gentleman from Chicago is only speaking by suffrance or by permission of the Chair on the point of order.

Mr. THORKELSON. Mr. Speaker, I also want to make this statement——

Mr. SABATH. Mr. Speaker, for the purpose of saving the time of the House, if there is any question about it, I am willing that these remarks shall be withdrawn from the RECORD of August 14, because they do appear in the RECORD of May 15 also.

The SPEAKER. Does the gentleman from Montana agree to that request?

Mr. THORKELSON. I do not agree to it, because he cannot withdraw the damage done to me throughout this Nation.

Mr. SCHAFER of Wisconsin. I object Mr. Speaker.

The SPEAKER. The Chair understands that the gentleman from Montana objects.

The point of order is made by the gentleman from Illinois, and in order to clarify the procedure on matters of this sort as it affects the question raised by the gentleman's statement of personal privilege and the privileges of the House, the Chair will read for the RECORD, a very brief extract from the opinion rendered by Mr. Speaker Longworth, on March 1, 1928, according to Cannon's Precedents, volume 8, section 3462:

The Chair is not advised of any rule of the House that covers the situation directly. The general theory as to the revision and extension of remarks can be put in this language: Although a Member has the right to revise his remarks with the approval of the Speaker, he has not the right to extend those remarks except in the case where the House has expressly given permission to do so.

The Chair upon yesterday was informed of that opinion and although the gentleman from Illinois states that he did, according to his best recollection, obtain this permission, the official record, as shown by the reporters and by the RECORD itself, does not disclose that the gentleman from Illinois obtained that permission on that particular occasion to revise and extend his remarks.

On the point of order raised by the gentleman from Illinois, the Chair is recognizing the gentleman from Montana upon the basis of this paragraph from the preamble of his resolution upon which he desires to secure the recognition of the Chair:

Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD, as printed, contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained.

Under those circumstances unless the gentleman from Montana and all the Members are willing to agree to the unanimous-consent request of the gentleman from Illinois that the remarks which are cited in the gentleman's motion be expunged from the RECORD, the Chair, under the rules, will recognize the gentleman from Montana on his question of privilege.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I yield.

Mr. RAYBURN. The gentleman from Montana and I had some conversation yesterday afternoon. I must be out of the hall for 15 or 20 minutes and will not the gentleman ask to revise and extend his remarks before that time, because I do want to be here when the gentleman asks to revise and extend his remarks.

Mr. THORKELSON. You mean yesterday.

Mr. RAYBURN. No; I mean today.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to revise and extend mv remarks in the RECORD.

Mr. RAYBURN. Mr. Speaker, I reserve the right to object and I do so for this reason. On yesterday the gentleman from Montana showed me a volume of some kind. I do not know what it is called, because I was looking at only one part

of it. He desired, he said, during the day to extend his remarks and have printed in the RECORD a so-called letter supposedly addressed to the Right Honorable David Lloyd George, and it took up 3 or 4 pages of this book and came on down and closed with "Your most humble and obedient servant," with two dashes, and no name whatever signed to it. Now, to me that is an anonymous letter and I do not think anybody wants anonymous letters printed in this RECORD or so-called copies of them. So, if the gentleman is asking now in this request that he be allowed to revise and extend his remarks in the RECORD by putting in any so-called letter to which there is no name signed, I object.

The SPEAKER. In order that there may be no confusion hereafter about this matter, is it the purpose of the request of the gentleman from Montana that the letter referred to by the gentleman from Texas be included in his extension of remarks?

Mr. THORKELSON. Mr. Speaker, my request to revise and extend my remarks does not include a request to extend this letter in the RECORD.

I am only going to discuss that part relating to myself, in which my statements seem to have been held inadequate and where I seem to have been accused of inserting forged matter in the RECORD and where I have been accused of other things that I am not guilty of.

The SPEAKER. The gentleman does state in response to the inquiry of the Chair, that his request does not include the right to incorporate in his extension the letter referred to by the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, further reserving the right to object, nor any part of it is to be included.

The SPEAKER. Is that satisfactory to the gentleman?

Mr. THORKELSON. I do not know what the gentleman means by "any part of it." If I am to discuss as to whether my remarks are accurate or inaccurate, certainly I must refer to something. I cannot refer to the majority leader and prove it by him. I must prove it by matter which I have.

Mr. RAYBURN. The gentleman cannot prove anything by referring to a letter——

Mr. THORKELSON. You do not know. I can prove it, but you cannot.

Mr. RAYBURN. If the gentleman will wait until I get through——

Mr. THORKELSON. I will wait, but I do not want the majority leader to make that statement.

Mr. TABER. Mr. Speaker, will the gentleman yield to me for a question?

Mr. RAYBURN. In just a moment. I want to say this one thing. I do not think, Mr. Speaker, that even the gentleman from Montana [Mr. THORKELSON] can prove anything by quoting from a document that is anonymous.

Mr. TABER. May I suggest that according to my understanding of the practice, no one is entitled to include any quotation from anything unless specifically allowed by the House; that if one wants to quote from a letter or quote a letter he must ask the privilege specifically to do it. A general request to extend remarks would not permit that privilege.

Mr. RAYBURN. That is correct, but as I said to the gentleman from Montana [Mr. THORKELSON], I had to be out of the House for a few minutes and I would not agree to his request unless he agrees not to ask, while I am out of the Chamber. that that letter be incorporated.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, because the gentleman is so technical——

Mr. SCHAFER of Wisconsin. Mr. Speaker, the regular order.

The SPEAKER. The Chair is indulging in the regular order. The gentleman from Montana has made a request and the gentleman from Illinois has a right to reserve the right to object.

Mr. SABATH. Reserving the right to object, Mr. Speaker, the gentleman has been so technical with me in two instances, notwithstanding he has put into the RECORD insinuations against me personally which I have ignored completely—in view of that fact, I am obliged to object, and I shall object to any extension whatsoever.

The SPEAKER. Objection is heard to the request of the gentleman from Montana.

The gentleman from Montana is recognized.

Mr. THORKELSON. Mr. Speaker, my purpose in addressing the House is not to attack any Member of the House. It is simply to clear my name of accusations that have appeared in the CONGRESSIONAL RECORD and in every paper throughout the United States. I would be the last one in this House to attack any man personally, and I have not attacked the gentleman from Illinois [Mr. SABATH]. My purpose is to prove, as I said, the remarks that I have made and inserted in the CONGRESSIONAL RECORD.

Now, let us bear this point in mind: There can be no forgery unless there is an original. It does not matter whether the instrument is signed or not. The value depends entirely upon the matter it contains.

Mr. SABATH. Mr. Speaker, I raise a point of order.

Mr. THORKELSON. I refuse to yield.

Mr. SABATH. A point of order, Mr. Speaker. The gentleman is not speaking to his resolution on the privileges of the House.

The SPEAKER. The gentleman will proceed in order.

Mr. THORKELSON. It does not make any difference whether the instrument is signed or not. Let us take our own Constitution. Suppose it was not signed. It was ratified and it was signed before it was adopted by the States, but it did not become valid until it was adopted by the States. Adoption by the States made it valid. But it was not signed by the States. It is true because of the substance matter it contains—not because of the signatures appended to it.

Now, I want to discuss the early part of the World War, the propaganda that was raging throughout the country at that time. I have made those statements in my remarks in the RECORD and they are not false; they are true.

In 1916 or 1917 Sir Gilbert Parker came to the United States and took charge of the propaganda machine that operated so successfully throughout the World War. He brought an army of over 10,000 people with him, who were engaged then, as they are now, in propaganda for the British Government. In order to bring this clearly before the Members of Congress, there was an investigation conducted in the city of New York.

There is a paragraph in this book that deals with Sir Gilbert Parker; and I now ask unanimous consent to include that report in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. SABATH. Reserving the right to object, Mr. Speaker, what report is it?

Mr. THORKELSON. It is a report by the ex-mayor of New York, Mr. Hylan, and Mr. Hirschfield.

Mr. SABBATH. Well, read it.

Mr. THORKELSON. I do not want to read it now.

The SPEAKER. Does the gentleman from Illinois object to the request that this matter be incorporated in the RECORD?

Mr. SABATH. Not knowing what the article is and due to my past experience with the gentleman, I must object.

The SPEAKER. Objection is heard to the request.

Mr. THORKELSON (reading):

BRITISH PROPAGANDA AGENCIES ARE ACTIVE IN AMERICA

There is striking significance in the uniformity with which these revisionists proclaim their purpose to rewrite American school history from a new viewpoint. A comparison of their statements in their prefaces reveals that they all seem to be subject to the same influences.

It is well known that children are highly sensitive to the spirit of an author. This is why in the writing of school history the prime essential is a true and virile patriotic spirit in the author. If this be wanting, his history, however precise it may be as to specific facts, is only a bulb without a current.

Charles Grant Miller, in the course of his testimony at one of the hearings, said:

"The history that truthfully presents our Nation's annals in such sympathetic, virile, patriotic spirit as to inculcate in our children pride in the birth and development of our Republic, honor to its

heroes, devotion to its principles and progress, and zest in its ideals and purposes—this is a true history. But the history that creeps along the verge of falsehood, alien in spirit, snarling in self-defense that it is 'not actually untrue,' and inoculating the children with suspicion of the Nation's founders, doubt as to its cardinal principles, and indifference to its democratic ideals—that history is false."

And I agree with him.

It may all be accidental, nevertheless no one can fail to note the complete accord in which all these school-history revisionists have shifted their standpoint and the striking similarity of their statements proclaiming their new attitude.

Col. Alvin M. Owsley, national commander of the American Legion, in his statement at a hearing in my office, said:

"We must keep on the alert and not let this protest that has been so well started dwindle away into nothing, for want of the real facts about the hostile forces at work. Let us find out just who or what influence it is that has undertaken to rewrite our history, to underestimate the value of our national character, and to undermine the fixed principles upon which our Nation was built."

There are certain recognized influences which have been working long and powerfully to this end.

There never has been any secret about the underlying purpose in the Cecil Rhodes scholarships. Cecil Rhodes was no idle dreamer, and his far-seeing genius and practical methods added vast domains to the British Empire. Few of his plans failed.

As already stated in this report, one of the objects of Rhodes was "the ultimate recovery of the United States of America as an integral part of the British Empire."

Cecil Rhodes laid his ambitious plans to that end, and by heavily endowing with British gold, and backed by the British Government, created agencies for their working out. Under the ingenious Rhodes scholarship scheme the best of our American young men, selected from the colleges of all our States, especially for their required "qualities of leadership," are taken to England and placed in Oxford University for 3 years, with an allowance of £300 English money a year, and are then returned to us perfect English gentlemen, advocating British-American union.

The SPEAKER. Is the gentleman from Montana now reading his own language?

Mr. THORKELSON. I am reading from the statement that the gentleman from Illinois requested me to read. I asked——

The SPEAKER. The gentleman will proceed.

Mr. THORKELSON. I asked to have this inserted.

The SPEAKER. The Chair understands the situation. The gentleman will proceed.

Mr. THORKELSON (reading):

These former American young men have formed a Rhodes Scholars' Alumni Association of America. This association has been openly active in defense of the Anglicized school histories.

When Cecil Rhodes dreamed his dream of "the extension of British rule throughout the world," and "the ultimate recovery of the United States of America as an integral part of the British Empire," he was obsessed of ambition less for political than for financial and commercial dominance. Since then the money power has shifted its seat, but the dream of world dominance remains, and the British Government is still its most effective instrument.

The money superpower is now on this side of the Atlantic, and, according to the English historian, John Richard Green, "the main current of the history of the English-speaking peoples must run along the channel not of the Thames, or the Mersey, but of the Hudson and the Mississippi." But in all the intriguing pleas for an English-speaking union those active in the movement do not seek an extension of the area of freedom under the American Constitution, but always an extension of British trade and power.

So, it is easy to see why our fundamental principles are being discredited, our history rewritten, and our ideals destroyed at behest of a superpower which is neither British nor American, knows no patriotism, and recognizes no country except as subject for exploitation.

This international money power is constantly seeking to persuade the American people to surrender their inherited sources of inspiration, strength, and guidance, and does now, largely, control the governmental policies of the United States as well as of England and other foreign countries.

America is safe only if her people will see to it that the historic truths, principles, ideals, and purposes that have served them unfailingly through a century and a half of unprecedented progress and to unparalleled prestige, be preserved unsullied in our own generation and transmitted unimpaired to our children. The antidote to the propaganda poison lies in patriotic teaching in the public schools.

Education foundations, which have come to exercise immeasurable influences upon the scholastic and public-school systems of the United States, are offsprings of the international banking power, as a glance at their interlocking directorates and a sane thought as to the habitual practices and intuitive purposes of their founders clearly reveal.

Elihu Root, chairman of the Carnegie council, illustrates at once this directness of connection, and the completness of design of the superpower.

Andrew Carnegie was another—Britisher through and through—who could dream grandly and had power to make his dreams come true. He endowed the multiform Carnegie institutions from motives which he never sought to conceal. His fondest dream was to bring about a "reunited state, the British-American Union."

The spirit of this finds expression and fruition through the Carnegie Libraries, Foundation for Advancement of Teaching, Division of Intercourse and Education, Aid for Vocational Education, Association for International Conciliation, and, by no means least seductive, the Carnegie Pension Fund for American professors and even American judges.

Direct and vital effects of these organized influences for Briticization of our scholastic and public-school systems are readily detected and clearly identified in utterances of innumerable teachers' associations in the last few years. These are fairly typified and summarized in the following excerpt from the report of the American History Teachers' Association, submitted to the United States Congress, October 22, 1918:

"Attention is directed to the old charge that the study of the American Revolution in our schools tends to promote an anti-British state of mind. It is a natural reaction to demand revision of our textbooks with a view to the cultivation of a pro-British state of mind; and that reaction is now actually in evidence."

Other influences that have been directly at work to bring about the emasculation of American history and the destruction of our national spirit and morale are not only recognizable but confessed and in some cases even boasted.

Sir Gilbert Parker, professional British propagandist, in an article in Harper's magazine, March 1918, outlined some of his methods of "putting it over" on the American people as follows:

"Practically since the day war broke out between England and the Central Powers I became responsible for American publicity," Parker wrote. "I need hardly say that the scope of my department was very extensive and its activities widely ranged.

"Among the activities was a weekly report to the British Cabinet upon the state of American opinion, and constant touch with the permanent correspondents of American newspapers in England. * * * Among other things, we supplied 360 newspapers in the smaller cities of the United States with an English newspaper."

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. THORKELSON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that Lord Northcliffe came over here and spent hundreds of millions of dollars to buy up and control certain papers so they could be used to disseminate this war intervention propaganda?

Mr. THORKELSON. I want to say to the gentleman from Wisconsin that Sir Gilbert Parker did come over here and he had an army of 10,000 people working in the United States disseminating British propaganda, the same as they are doing today, and that is so recorded in Senate hearings. That is all on public record.

Mr. SCHAFER of Wisconsin. Then the real director of that British propaganda was a man who was called Lord Northcliffe. Now we have a man who is called Lord Beaverbrook in charge of the British propaganda operations?

Mr. THORKELSON. That is correct.

Mr. SCHAFER of Wisconsin. Is it not a further fact that the CONGRESSIONAL RECORD reveals that a few days ago a Senator put into the RECORD a list of the international banker contributors to the slush fund for propaganda purposes which is handled by Mr. William Allen White, warmonger No. 3 in the United States, since Ambassador Bullitt returned and replaced him as warmonger No. 2?

Mr. THORKELSON. That is right. There is a man now connected with Kuhn, Loeb & Co. who was then connected with the British military intelligence service. He is now a partner in Kuhn, Loeb & Co. He was connected with them at the time this happened.

"We advised and stimulated many people to write articles; we utilized the friendly services and assistance of confidential friends; we had reports from important Americans constantly, and established association by personal correspondence with influential and eminent people of every profession in the United States, beginning with university and college presidents, professors, and scientific men, and running through all the ranges of the population. * * *

"It is hardly necessary to say that the work was one of extreme difficulty and delicacy."

The propaganda that Parker boasts he was putting over was sixfold:

"That the Revolution was a contest between the German George III on one side and the English people and American colonists on the other."

And I want to say that the histories are now teaching that George III was a German instead of a Britisher.

"That many Americans regret the War of 1812 as most Britishers regret the acts of George III."

That "the greatest enemy of American development was Napoleon," but Great Britain saved us from conquest by him.

That is what is taught in our textbooks today.

That it was the British Foreign Minister Canning who gave us the Monroe Doctrine and made it an accepted fact.

That is in the textbooks today. That is why we are going pro-British.

The SPEAKER. Would the gentleman from Montana allow a question from the Chair?

Mr. THORKELSON. Yes, Mr. Speaker.

The SPEAKER. On what phase is the gentleman addressing himself so far as the question of privilege is concerned?

Mr. THORKELSON. I did not want to read this, Mr. Speaker. I asked unanimous consent to have it inserted in the RECORD. This is a history of the secret service I am now reading.

The SPEAKER. Conceding that, to what phase does it have reference so far as the question of privilege is concerned?

Mr. THORKELSON. With regard to whether I have uttered truths or falsehoods. I believe that is part of my resolution.

The SPEAKER. The Chair does not find any language in the gentleman's resolution where he is charged with an untruth or falsity.

Mr. THORKELSON. There is the question of whether I have stated facts or not.

The SPEAKER. The only question of privilege involved is whether or not the matter was put in without permission of the House.

Mr. THORKELSON. The gentleman from Illinois [Mr. SABATH] asked me to read it. Now, then, if he does not want me to read it, I will put it in the RECORD.

The SPEAKER. The gentleman from Illinois objected to the gentleman's request to incorporate the statement in the RECORD. He did not request the gentleman to read it. The Chair does not desire to interrupt the continuity of the gentleman's argument, but the Chair is under some obligation to see that the gentleman conforms with the rules and discusses the matter of privilege about which he complains.

Mr. THORKELSON. Then, Mr. Speaker, I ask unanimous consent to insert this article in the RECORD.

The SPEAKER. The Chair understands that the gentleman from Illinois objected to that request.

Mr. SABATH. Mr. Speaker, I object to any insertion. I have no objection if the gentleman wishes to read it, although under the rules of the House he is not even permitted to do that. But I am willing to grant him that privilege myself, and I will not object to his reading anything he desires to read.

The SPEAKER. Yes; but the Chair, in order to preserve the integrity of the proceedings on matters of privilege, has some interest in the matter.

Mr. THORKELSON. Mr. Speaker, there is a rule that is a little greater than the rules of the House. We, the people of the United States——

The SPEAKER. The gentleman is now making a point of order?

Mr. THORKELSON. I make this point of order.

The SPEAKER. The gentleman will state it.

Mr. THORKELSON. The powers not delegated to the United States by the Constitution nor prohibited by it to the States are to the States, respectively, or to the people. That part of the Constitution reserved to the people is the unwritten power of the Constitution, which Congress has taken advantage of. Article IX states that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Mr. Speaker, I am one of the people of this Nation. I am a Representative of Montana. I am a Member of this Congress and I ask for my constitutional right to present my case before the House.

The State or the Chair has no right to deprive me of those rights, and I stand on my constitutional privileges in spite of the regulations of the House.

The SPEAKER. In view of that attitude, will the gentleman kindly reply to this question of the Chair: The gentleman has referred to his constitutional rights. Does the gentleman recognize that under the Constitution the House has the right to establish its own rules of procedure?

Mr. THORKELSON. I do, Mr. Speaker. I recognize that the House has the right to establish its own rules and that the House may also punish a Member for disorderly behavior, and that the House may expel a Member by the concurrence of two-thirds of the House. Mr. Speaker, that occurs in article I, section 5, in the second paragraph.

The SPEAKER. The Chair overrules the point of order.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. THORKELSON. Yes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent, then, in order that we may have good feeling all around and that the gentleman's constitutional rights may be preserved, that he may be permitted to extend his remarks in the RECORD.

The SPEAKER. Objection has already been made to that.

Mr. HOFFMAN. Does the gentleman make any objection to that?

Mr. SABATH. I do. I object to that. No question of personal privilege has arisen here. This is a question of the privilege of the House.

Mr. THORKELSON. This is by the chairman of the Rules Committee. I have been annoyed by him ever since I have been in this House, and I am tired of it.

The SPEAKER. The Chair is endeavoring to carry out the rules of procedure. The gentleman from Montana will proceed.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield for a question?

Mr. THORKELSON. Not just this moment, please. I should like to have 6 hours to finish it up.

The SPEAKER. The gentleman declines to yield.

Mr. THORKELSON. Mr. Speaker, am I permitted to extend this in the RECORD or not? Am I denied my rights to advise the American people about facts that are happening in this Government, to warn them of what is happening in this Government? Is a Member of Congress denied the right to advise the people of this Nation what is transpiring here? I would like to know whether this is a British Congress or whether it is the Congress of the United States.

CALL OF THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Wisconsin is raising a highly constitutional question. The Chair will count. [After counting.] Ninety-one Members are present, not a quorum.

Mr. RAMSPECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 199]

Allen, Pa.	Clark	Ford, Leland M.	Kilburn
Arnold	Cluett	Ford, Miss.	Kirwan
Austin	Cole, Md.	Ford, Thomas F.	Lambertson
Barden, N. C.	Collins	Fulmer	Larrabee
Barton, N. Y.	Connery	Garrett	Lemke
Bates, Mass.	Cooley	Gavagan	Luce
Beam	Corbett	Gifford	McDowell
Bland	Cox	Guyer, Kans.	McGranery
Bolton	Culkin	Hall, Edwin A.	McLeod
Bradley, Pa.	Darrow	Hare	McMillan, Clara
Brewster	Delaney	Harrington	McMillan, John L.
Buck	Dempsey	Hart	Maciejewski
Buckley, N. Y.	Dirksen	Harter, Ohio	Martin, Ill.
Bulwinkle	Doxey	Hope	Martin, Mass.
Burch	Drewry	Jeffries	Merritt
Burdick	Elliott	Johnson, Ind.	Mitchell
Burgin	Fay	Johnson, Lyndon	Monkiewicz
Byrne, N. Y.	Ferguson	Johnson, W. Va.	Mott
Caldwell	Fernandez	Jones, Tex.	Murdock, Utah
Carter	Fitzpatrick	Keller	Myers
Casey, Mass.	Flaherty	Kelly	Nelson
Celler	Flannery	Kennedy, Michael	Norton
Chapman	Folger	Kerr	Pfeifer

Pierce	Sandager	Sullivan	Wallgren
Randolph	Sasscer	Sutphin	White, Ohio
Reece, Tenn.	Schaefer, Ill.	Sweeney	Wigglesworth
Richards	Schultz	Thomas, N. J.	Woodrum, Va.
Risk	Shafer, Mich.	Tolan	Zimmerman
Routzohn	Sheridan	Treadway	
Ryan	Snyder	Voorhis, Calif.	
Sacks	Starnes, Ala.	Vreeland	

The SPEAKER. Three hundred and seven Members have answered to their names, a quorum.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. THORKELSON. Mr. Speaker, I do not wish to take up much of the time of the House, but I should like to proceed with my discussion. Naturally, I cannot substantiate my statements made here in the House unless I can produce my evidence. I am going to do that.

I have said the Carnegie Foundation is un-American, that it is pro-British, and that the Carnegie Foundation has brought about a change in the teachings of the public schools. In the first place, I want to call your attention to this article that appeared in the papers sometime ago when the question arose of whether we should retain the Star-Spangled Banner as the national anthem. Then again, I want to call your attention to an article headed, "Carnegie millions used to foster internationalism in United States. Colleges, libraries, civic organizations invaded with pro-League gospel." Then I want to call your attention to this, "League Court propaganda subsidized in United States colleges." This is a long time back. I want to call your attention to this drive that was made to bring us into the League of Nations. That has been going on for a long time, I want to call your attention to the fact that statements have been made by me to the effect that money had been appropriated by Congress to Great Britain, and that Great Britain had used such money to loan it to foreign nations and to buy up oil fields in the United States. Those statements have been denied, but I want to call your attention to this sheet here. This is a copy of the New York American of Sunday, February 22, 1925, and it shows a facsimile of two checks that were issued by the United States Government to the House of Morgan and endorsed by the House of Morgan. In my statement an allusion is made that this money was given to Japan. It was loaned to Japan by Great Britain so she could build a fleet in order to be a competitor of the United States. The purpose of that was to build up the Japanese Fleet so that England could maintain dissension between the United States and Japan in order to divert us from trading with foreign nations.

Now, the time is short, but I want to call your attention to the fact that in every war Great Britain has furnished the United States with a blacklist; and what is that blacklist for? The blacklist is simply to stop our trading with South America and other countries; and Great Britain then goes around and says, "The United States will not trade with you, but we will." In other words, she is using that weapon to destroy the trade of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. THORKELSON. I will in just a moment.

You may not believe my statement, but here is a photostat of a blacklist that appeared in the New York Herald, Monday, April 22, 1918. This is one of them, and here is another blacklist that was issued by Great Britain to the United States which we observed and actually destroyed our own trade in observing this blacklist. We have blacklisted over 5,000 firms in many nations in the world, and even in the Scandinavian countries. You can readily see that when we adopt anything like that, or when we observe anything like that given to us by a foreign power, we absolutely destroy our own trade.

It has been said in a statement in regard to the remarks that I made that it was not true that American officers had been decorated by the British Government. I have here Whitaker's Almanac, the 1920 edition, and you will find that the officers were decorated by the British Government as K. C. B. or K. G., or whatever it may be, but a gentleman, Mr. Low, made the statement that this was wrong, because the accolade had not been given to them; in other words, they had not been dubbed as "sir knight," and that the title of "sir" would not apply to them. He suggested that titles be canceled and taken out of the almanac because it had made the American people suspicious, and the officers were then deprived of the titles given to them by the British Government. So you see all these statements are absolutely true.

Then there was the statement about the British films and the moving-picture industry, and it was stated that that could not be right, because it did not happen until December. The fact is that the moving-picture industry was bought in May, and was so stated in the New York Times of Friday, May 16, 1919, and I shall read the heading to you:

> Europe field for pictures—Famous Players-Lasky and the British interests in a three-million corporation composed of American and foreign actors—Construction of big studios to be made at once—The League of Nations is the first film.

That is exactly what this statement says, but it occurred 1 month ahead of the statement. So the man who made that statement knew what he was talking about, and I know what I am talking about when I tell you these facts. I am simply trying to bring these facts before the House.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield for a brief question at that point?

Mr. THORKELSON. In just a moment.

I have discussed the Anglo-Saxon Federation and I have discussed the British Israel Federation. The Anglo-Saxon Federation was started by Cecil Rhodes and the British Israel Federation is a movement that was carried on from that. That is the background of all these things that we see throughout the United States.

Now, you might think I am crazy when I make that statement, but if you will take a dollar bill out of your pocket and if you will look at the back of that dollar bill you will find the symbol of the British Israel Federation on the back of your dollar bill, and you will find this inscription, "Novus ordo seclorum"—the new order of the ages.

Now, I am going to take you back to something else. Maybe none of you has seen these pictures. This is a picture of the Illuminati, the picture carried on the back of the dollar bill and by the British Israel Federation as their symbol or insignia. This is the early planning that occurred 100 years ago. Now, who do you think is the author of this planning?—one of the Roosevelts, if you please, who lived 100 years ago, Mr. Clinton Roosevelt, and that is the planning that F. D. Roosevelt, or President Roosevelt, is now carrying on.

Now, you do not have to take my word for it, because you will find this symbol on the back of your dollar bill, and that should be sufficient evidence for anyone.

I want to read this to you also. I want to read to you what Clinton Roosevelt said, because that is interesting.

The SPEAKER. Does the gentleman expect, before he finishes, to address himself to the question of privilege?

Mr. THORKELSON. I am, in proving the statement I have made in regard to the federation is correct. If I am wrong, I will be glad to be corrected.

The SPEAKER. The gentleman will proceed in order.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. THORKELSON. I yield briefly.

Mr. SCHAFER of Wisconsin. The gentleman has a great many books and records substantiating the facts that he put in the CONGRESSIONAL RECORD. He has now brought those books and records to the attention of the House and I now rise to ask if the gentleman will not kindly ask unanimous consent that the Clerk slowly read his pending resolution, because that is the matter which is now before the House and we will be called upon to vote on that resolution.

Mr. THORKELSON. That is what I am going to do as soon as I read this statement. I want to read this statement

and then I am going to quit. I want you to listen to this. This was said a hundred years ago:

Should not every man have a certain amount of land as his own exclusive property?

Any individual might have a site for a house and garden, and even a farm, where it might be difficult to bring large numbers to labor together, as in some mountainous regions; but where large numbers might congregate, they should labor together under leaders in the fields and in factories under foremen and officers, precisely as soldiers in an army do.

That was said 100 years ago and that is what we have today.

Mr. Speaker, I ask unanimous consent that the resolution may be read.

The SPEAKER. The gentleman asks unanimous consent that the resolution again be read. Is there objection?

Mr. GREEN. Reserving the right to object, what is the substance of this resolution?

Mr. THORKELSON. As to whether I have inserted in the RECORD information that is correct or not correct. Also the question arises that is not considered at this time, as to whether I inserted a letter that was not correct—a so-called forged letter. Of course, I contend I did not, because I can prove that this report is absolutely true and I think the people of this Nation ought to know it. I do not desire to hurt the feelings of any Member of Congress. You ought to know that I would not do anything in the world to hurt anyone. That means every Member of this House, but I have taken an obligation to preserve and defend this Constitution of the United States. I have done that over 40 years ago and I am going to honor that obligation; yes, I want to honor that obligation. The reason I brought this before the House is because I want the Members of Congress to know and I want the people of this Nation to know what is transpiring here today.

In these statements that I made I can prove each and every one of them. If the House will give me an opportunity, I will prove, without any question, that every statement I have made in this House is absolutely correct. After you hear those statements you will agree with me that the people ought to know about them.

The SPEAKER. Is there objection?

Mr. GREEN. Reserving the right to object, what is the resolution? I do not understand the purport of it.

Mr. THORKELSON. It is a question of personal privilege.

The SPEAKER. The gentleman asks unanimous consent that the resolution may be read for the information of the House. Is there objection?

There was no objection.

The Clerk again reported the pending resolution.

The SPEAKER. Has the gentleman concluded his remarks?

Mr. THORKELSON. Yes, Mr. Speaker.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Montana.

The resolution was agreed to as follows:

Whereas the gentleman from the Fifth District of Illinois, Mr. SABATH, caused to be inserted in the CONGRESSIONAL RECORD of August 14, 1940, on page 15814, the following remarks:

"The House will recall that in the Appendix of the RECORD of May 16, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at the cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him."

And whereas such insertion is a violation of the privilege of the House, in that said remarks charge a Member of the House with having inserted in the RECORD a forged letter; and

Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD as printed contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained; and

Whereas said remarks, as so inserted, were not in order and were an abuse of the privilege of the House: Therefore, be it

Resolved, That the remarks appearing on page 10342 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit: "The House will recall that in the Appendix of the RECORD of May 16, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confident of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him," be, and they hereby are, expunged from the CONGRESSIONAL RECORD, and are declared to be not a legitimate part of the official RECORD of the House.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to revise and extend the remarks that I have made.

The SPEAKER. The gentleman from Montana asks unanimous consent to revise and extend the remarks he has made. Is there objection?

Mr. RAYBURN. Mr. Speaker, I object.

FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COS.—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 939)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith, without my approval, a bill (H. R. 10141) to confer jurisdiction on the Court of Claims to hear and determine the claims of the First, Second, and Third National Steamship Cos., arising out of transactions involving deposits of certain sums of money by the companies with the United States Shipping Board and for reimbursement of expenditures made by the companies for purposes other than the operation of the vessels *Independence, Hoxie,* and *Scottsburg.*

The Shipping Board in 1920 delivered three vessels to the claimants, who in turn deposited certain moneys with the Government. Subsequently a dispute arose as to the terms of the agreement, and the vessels were retaken by the Shipping Board. The companies thereupon demanded the return of the deposits. The Shipping Board refused to comply with these demands, and the three companies in 1925 instituted suits in the Court of Claims.

As a result of negotiations between the parties, a compromise agreement was finally reached on October 7, 1935. By its terms the Government paid to the companies the sum of $250,000 in full settlement of all claims arising out of these transactions. On November 4, 1935, the suits in the Court of Claims and the Government's counterclaims were formally dismissed.

I refrained from approving a bill covering the same subject matter during the Seventy-fourth Congress on the ground that the bill provided for a waiver on the part of the Government of the defenses of res judicata and accord and satisfaction.

The bill under consideration differs from the previous measure only in that it does not specifically propose to waive the defenses of res judicata and prior settlement. The language in this bill, leaving it for the court to determine whether the payment was "in full payment of the just claims of said companies," may possibly be construed as waiving the defense of accord and satisfaction. The statute of limitations is expressly waived.

The enactment of the bill would permit the companies again to litigate their claims and might deprive the Government of the defense that the claims had been settled by mutual agreement. If the validity and binding force of the settlement is to be disputed by the claimants, the Government should clearly be permitted to raise the defense that the claim has been adjusted.

In view of the fact that the claimants have had their day in court, and that under the terms of this bill the Government might be deprived of the defense of prior settlement, I am constrained to withhold my approval of this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 28, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal; and, without objection, the message and bill referred to the Committee on Claims and ordered to be printed.

There was no objection.

UNITED STATES DE SOTO EXPOSITION—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 940)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without my approval, H. R. 9751, "For the creation of the United States De Soto Exposition Commission, to provide for the commemoration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto, the commemoration of De Soto's visit to the Chickasaw Territory in northern Mississippi, and other points covered by his expedition, and the two hundred and fifth anniversary of the Battle of Ackia, and for other purposes."

The bill establishes a commission, to be known as the United States De Soto Exposition Commission, to assume the functions of the Ackia Battle Memorial Commission established by the act of August 27, 1935; and the De Soto Exposition Commission is required, under the bill, to prepare plans and programs, subject to the approval of the Secretary of the Interior, for commemoration, in the year 1941, of the four hundredth anniversary of the first crossing of the Mississippi River by Hernando De Soto, to be held at Memphis, Tenn., as well as the commemoration of the two hundred and fifth anniversary of the Battle of Ackia, and other features of De Soto's expedition to North America, to be held at such places as the Commission shall determine. The bill also authorizes the Secretary of the Interior to erect a memorial, of such type as he may deem appropriate, to commemorate the history and accomplishments of the Chickasaw Indians. Section 6 of the bill authorizes the appropriation of such sums as the Congress shall determine, for expenditure in such a manner as the Secretary of the Interior shall deem to be advisable, in carrying out the purposes of the act, and makes available to the Commission the unexpended balance of funds appropriated for the use of the Ackia Battle Memorial Commission.

On June 10, 1940, I withheld my approval from House Joint Resolution No. 385, which proposed the establishment of the Greenville Memorial Commission, for the reason that it was evident that the enactment of the resolution would commit the Government to future expenditures, the size of which could not be predicted. While the bill H. R. 9751 does not authorize the appropriation of any specific amount, its approval would, in effect, commit the Federal Government to future expenditures, the amount of which cannot, at this time, be determined. Moreover, it seems to me that the present need for Federal funds in the expansion of the national-defense program should take precedence over expenditures of the character set forth in the bill.

There is also for consideration the fact that, notwithstanding the participation by the Federal Government, to the extent of $100,000, in the 1939 Pan American Exposition at Tampa, Fla., in commemoration of the four hundredth anniversary of the landing of Hernando De Soto at Tampa Bay, the present bill would permit the De Soto Exposition Commission to plan and supervise an indefinite number of continuing commemorations, a proposal that represents a departure from the established policy of Government participation in a single celebration at a fixed time and place, and with a specific limitation as to the amount of the Federal contribution.

I regret, therefore, that, for the reasons above indicated, I do not feel justified in approving the bill H. R. 9751.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 28, 1940.*

The SPEAKER The objections of the President will be spread at large upon the Journal; and, without objection, the bill and message will be referred to the Committee on the Library and ordered to be printed.

There was no objection.

CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 530.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1681, an act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. McLEAN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from New Jersey makes the point of order that a quorum is not present. Evidently there is no quorum present.

Mr. LEWIS of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 200]

Allen, Pa.	Dempsey	Kerr	Rockefeller
Andrews	Dirksen	Kilburn	Routzohn
Arends	Doxey	Kirwan	Rutherford
Arnold	Drewry	Lambertson	Ryan
Barden, N. C.	Duncan	Larrabee	Sacks
Barton, N. Y.	Ellis	Lemke	Sandager
Bates, Mass.	Faddis	Luce	Sasscer
Beam	Fay	McDowell	Schaefer, Ill.
Bland	Ferguson	McGranery	Schulte
Bolton	Fernandez	McLeod	Shafer, Mich.
Bradley, Pa.	Fitzpatrick	McMillan, Clara	Sheridan
Brewster	Flaherty	McMillan, John L.	Smith, Conn.
Buckley, N. Y.	Flannagan	Maciejewski	Snyder
Bulwinkle	Flannery	Magnuson	Sparkman
Burch	Ford, Miss.	Marcantonio	Starnes, Ala.
Burgin	Ford, Thomas F.	Martin, Ill.	Sullivan
Byrne, N. Y.	Fries	Martin, Mass.	Sweeney
Byron	Fulmer	May	Thomas, N. J.
Caldwell	Garrett	Merritt	Thorkelson
Cannon, Mo.	Gavagan	Miller	Tolan
Chapman	Gifford	Mitchell	Treadway
Clark	Guyer, Kans.	Mouton	Voorhis, Calif.
Clason	Hall, Edwin A.	Myers	Vreeland
Cluett	Hare	Nelson	Wallgren
Cole, Md.	Harness	Nichols	Ward
Collins	Harrington	Norton	Weaver
Connery	Hart	Pfeifer	White, Ohio
Cooley	Hawks	Pierce	Wigglesworth
Corbett	Hope	Randolph	Winter
Crowe	Jacobsen	Reece, Tenn.	Woodrum, Va.
Culkin	Jones, Tex.	Reed, N. Y.	
Darrow	Kelly	Richards	
Delaney	Kennedy, Michael	Risk	

The SPEAKER. Three hundred and one Members are present, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for one-half minute to make an announcement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOLAND. I wish to announce to the House that the members of the Military Affairs Committee were unable to answer this roll call because of the fact they are in session on a very important matter.

SECOND REVENUE ACT OF 1940

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 2893), which was referred to the House Calendar and ordered to be printed:

House Resolution 583

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee

of the Whole House on the state of the Union for the consideration of H. R. 10413, a bill to provide revenue, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a report from the Committee on Ways and Means on the bill (H. R. 10413) to provide revenue, and for other purposes, and that individual Members may have the same right to file supplemental views.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a resolution passed by the American Legion, of Jackson, Miss., on last Sunday, the 25th of August.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and to include therein an editorial from the Daily Telegram of Adrian, Mich., on the Mackinac Straits Bridge financing.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a consolidated statement showing appropriations and expenditure for the Army and the Navy during the fiscal years 1933 to 1941, inclusive.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by my colleague the gentleman from Pennsylvania [Mr. GERLACH].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

The SPEAKER. The gentleman from Colorado is recognized for 1 hour.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER] and yield myself 2 minutes.

The SPEAKER. The gentleman from Colorado is recognized for 2 minutes.

Mr. LEWIS of Colorado. Mr. Speaker, this resolution (H. Res. 530) is a rule to make in order the consideration of the bill (S. 1681) reported by the Judiciary Committee, being a bill to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

The bill will be fully explained by the members of the Committee on the Judiciary.

This is an open rule providing for 1 hour of general debate after which, as usual, the bill will be read for amendment under the 5-minute rule.

Mr. Speaker, I reserve the balance of my time and ask the gentleman from Michigan [Mr. MICHENER] if he will use some of his time.

Mr. MICHENER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, there are in the State of Tennessee today four United States district judges. One of these judges was appointed in 1938, if my memory serves me correctly. There was a question raised at that time whether or not this additional judge was necessary or needed. There was no particular district that needed another judge. The committee, following a custom which it thought proper, appointed what is known as a "roving" judge. This was a judge for the entire State of Tennessee, with jurisdiction to act within any district. This arrangement has been satisfactory, so far as the committee is advised.

Mr. Speaker, some time ago a bill was introduced to create another district in Tennessee. The result would be that there would be no more judges, but the judge who is now mobile and who can go about and render service anywhere in the State would be assigned to a given territory or a limited district. Then his jurisdiction would be confined to that territory, just the same as any other judge is limited to his territory. The real difference would be that this roving judge would not be mobile, in the first place, and, in the second place—and, in my judgment, the important thing back of this bill—that judge, the roving judge, under this bill would staff his court. He would name a referee in bankruptcy, the clerks, and the other employees that go with a court.

That bill was introduced and reported by a majority of the committee. It came before the Rules Committee and a rule was granted on that bill some time ago; but later on certain members of the Judiciary Committee gave more consideration to the matter. I have been shown a statement from a Tennessee paper made by the chairman of the committee stating he could not support that bill. After that happened an amendment was offered in the committee, on yesterday or the day before. The Judiciary Committee met and considered the amendment to the original bill on which the rule was granted, and that amendment is really what will be considered here today. The amendment that is going to be offered by the committee is different from the bill reported, and on which a rule has been granted, in that it does not create a new district directly. The effect of the bill, however, is to accomplish the same purpose. It does not authorize the appointment of a new clerk and a new staff that would naturally go with a new district. So under this ingenious amendment that is to be offered you will have another district created; you will have the same officers in there who are there now—and I am referring to the office, not the individual. The individuals will be changed. But the power of appointing those officers, or the patronage in the district, will be removed from the senior judge, where it now rests, to this new judge who was appointed in 1938.

We are told that this will cost nothing, that there will be no additional officers added; but it will do this just as sure as I am standing here, and I want you to put a tack in this statement: If the bill goes through, in the next session of Congress you will have legislation to provide this district which we are establishing today with the same district officers as all other districts have, and if the conditions warrant a district and there should be a district there, then there should be a district clerk, a referee, and all the others there.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield myself 3 additional minutes.

Mr. HANCOCK. Will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from New York.

Mr. HANCOCK. The bill makes a temporary judge permanent, does it not?

Mr. MICHENER. Yes. The gentleman from New York, a member of the committee, has called attention to the fact that this roving judge was appointed to take up the slack where needed and is a temporary judge. The office was not to be made permanent. It was never so intended. When his time expired there was not to be another judge appointed in his place without the Congress taking action. This ingenious bill here would make that temporary judge a permanent judge and give him a district, the very thing the committee decided after careful deliberation should not be done in 1938. The business in that district since that time

does not in any way, shape, or manner warrant this permanent judge.

This bill does something else. A letter was written by the gentleman who introduced the bill to the Attorney General. You will find the Attorney General's reply in the supplemental report filed yesterday. This bill does some unusual things. Under the law in every district in the United States today the court names the clerk. The clerk names his deputy clerks. But, if this bill goes through, this new judge would be authorized to name the staff, and in addition to that he will be authorized to name the deputy clerks. The Attorney General calls attention to the fact that he does not want to recommend it. He is not so strong for it. He is not as brave, when it comes to patronage, as some people are here just before an election. He says, however, that if the Congress wants to adopt such a thing as a policy he will not object, because he is not the policy-making part of the Government. He is the Attorney General of the United States. He is appointed, and he states that in his judgment this should not be done.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SUMNERS], chairman of the Committee on the Judiciary.

Mr. SUMNERS of Texas. Mr. Speaker, I believe there is some confusion in the minds of Members of the House with reference to what is proposed to be done by this bill. The gentleman from Michigan [Mr. MICHENER] stated correctly the preliminary steps taken with reference to this proposed legislation. The amendment that will be submitted will do what could have been done by the creation of a new district. It will avoid the expense of a marshal, the expense of a district attorney, and it will locate this roving judge. It will move one division from the central district of Tennessee into the eastern district of Tennessee. It will put two judges in the eastern district of Tennessee instead of creating a new district. It will also give to this new judge the right when he is located to designate the officials to serve in his court, that is all; and and is why my Republican friends here are disturbed. That is what they do not like. They want the senior judge, located not in this place where the new judge is located, to name the officials who serve in this junior judge's court. That is what is the matter with them.

The issue is clear. You will see them lining up on that The Attorney General favors the amendment which will be offered. The judge is there in Tennessee, the business is there, we are doing the common-sense thing by locating this judge, giving him definite jurisdiction and giving him control over the people who serve in his court. Now, why is that not right? Why do they insist that a judge who is not located there and who does not have primary responsibility should name the officials of the court where this judge is to be located? That is the chief thing in this controversy with regard to this bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. JOHNS], who formerly, I believe, was from Tennessee.

Mr. JOHNS. Mr. Speaker, I became interested in this bill because of my love for a former Member of this House, Judge McReynolds. I do not believe I would have taken any interest in this proceeding at all except that I found that for several years back, as early as 1937, they were trying to get a bill through the Senate to create this district in Tennessee. Judge McReynolds during his whole lifetime was opposed to this because, he said, they did not need an extra judge or extra district down in Tennessee.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Michigan.

Mr. MICHENER. Is it not correct that Judge McReynolds was a former Member of the House and chairman of the Committee on Foreign Affairs, and represented the district now represented by the gentleman from Tennessee [Mr. KEFAUVER]?

Mr. JOHNS. That is correct.

CALL OF THE HOUSE

Mr. BALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. LEWIS of Colorado. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 201]

Allen, Pa.	Darrow	Johnson, Ind.	Randolph
Arnold	Delaney	Jones, Tex.	Reece, Tenn.
Barden, N. C.	Dempsey	Kelly	Richards
Barton, N. Y.	Dies	Kennedy, Michael	Risk
Bates, Mass.	Dirksen	Kerr	Routzohn
Beam	Ditter	Kilburn	Sacks
Bland	Doxey	Kirwan	Sandager
Bolton	Drewry	Lambertson	Sasscer
Bradley, Pa.	Durham	Larrabee	Schaefer, Ill.
Brewster	Faddis	Lemke	Shafer, Mich.
Buckley, N. Y.	Fay	Luce	Sheridan
Bulwinkle	Ferguson	Lynch	Smith, Va.
Burch	Fernandez	McDowell	Smith, Wash.
Burgin	Fitzpatrick	McGranery	Smith, W. Va.
Byrne, N. Y.	Flaherty	McMillan, Clara	Snyder
Caldwell	Flannagan	McMillan, John L.	Starnes, Ala.
Carter	Flannery	Maciejewski	Sullivan
Casey, Mass.	Folger	Marcantonio	Sweeney
Celler	Ford, Miss.	Martin, Ill.	Thomas, N. J.
Chapman	Ford, Thomas F.	Martin, Mass.	Tinkham
Clark	Fulmer	Mason	Tolan
Cluett	Garrett	Merritt	Treadway
Cole, Md.	Gavagan	Miller	Vreeland
Collins	Gifford	Mills, La.	Ward
Connery	Guyer, Kans.	Murdock, Utah	White, Idaho
Cooley	Hall, Edwin A.	Nelson	White, Ohio
Corbett	Hare	Nichols	Wigglesworth
Culkin	Hendricks	Norton	Winter
Cummings	Hope	Parsons	Wood
Darden, Va.	Jeffries	Pfeifer	Woodrum, Va.

The SPEAKER pro tempore [Mr. HOOK]. Three hundred and nine Members have answered to their names. A quorum is present.

On motion of Mr. LEWIS of Colorado, further proceedings under the call were dispensed with.

CREATION OF MOUNTAIN DISTRICT, STATE OF TENNESSEE

Mr. JOHNS. Mr. Speaker, as I stated a few moments ago when the call of the House was ordered, I rose to speak here at this time principally because of my great friendship and love for Judge McReynolds, the Congressman who served this district so ably for so many years. From the time this movement was started in the Senate to create this district, Judge McReynolds has opposed it. Judge McReynolds, perhaps better than anyone else, knew whether or not they need a judicial circuit down in Tennessee in addition to what they have. He was on the bench there for 20 years, and he served here in Congress, of course, for many years.

On March 31, 1937, Judge McReynolds was quoted in the Chattanooga Times as follows:

> Commenting on the proposal to create a new Federal judicial district in this part of the State, Congressman Sam D. McReynolds said last night, "There is no need for a new district or a new judge."

When the bill was finally passed in May 1938 creating these new districts there was just one district where there was a limitation placed on the powers of the judge, and that was in Tennessee. That act provided one district judge for each of certain combinations of districts, and then stated:

> Eastern and Middle Districts of Tennessee: *Provided*, That no successor shall be appointed to be judge for the Eastern and Middle Districts of Tennessee.

I have been informed that this bill has not been approved by the Bureau of the Budget, and there will be no appropriation for it. Of course, the amendment presented this afternoon, which dispenses temporarily with the appointment of additional officers of the court, would probably overcome that objection, but this is only temporary. As soon as you get another permanent judge down in Tennessee, you will have to have another set of officers as soon as the next Congress may create it.

Something was said here this afternoon about this new judge's appointing new officials. Of course, he might appoint the same officials, but the chances are that he would not and that he would displace the experienced men who are there in favor of others. The Attorney General does not approve of this, but he says he has no objection to it if the Congress of the United States sees fit to create this district and make a new permanent judge and establish that policy. Then it is all right with him.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Alabama.

Mr. PATRICK. As I understood, this is not a bill to create a new judgeship, but is merely to assign a judge whose position has already been created.

Mr. JOHNS. That is right. This is to be made a permanent judgeship, however. This other man was just appointed as an extra judge; that is all.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. The gentleman is speaking about Judge McReynolds. Does the gentleman know that Judge McReynolds himself introduced a bill to create a permanent judgeship in Tennessee in this section?

Mr. JOHNS. When?

Mr. KEFAUVER. On January 14, 1938. I have the bill here, if the gentleman wants to see it.

Mr. JOHNS. Is that a companion bill to the one that was introduced over in the Senate?

Mr. KEFAUVER. No; I do not believe it was.

Mr. JOHNS. That is when one was introduced over in the Senate, and it is probably a companion bill. The limitation was placed in it that no successor shall be appointed to be judge for the Eastern and Middle Districts of Tennessee.

Mr. KEFAUVER. There is no limitation placed in the bill that Judge McReynolds introduced in the House, and I have the bill here if the gentleman wants to see it.

Mr. JOHNS. That is what this bill here provided for, on May 31, 1938. That is a later bill.

Mr. KEFAUVER. I do not want the gentleman to misrepresent what Judge McReynolds thought about it, because here is a bill that shows what he thought about it.

Mr. JOHNS. I am only quoting from the language of the RECORD at that time. Of course, assuming that we would want to create another district down there, we have a roving judge.

I do not know whether you appreciate it or the Members of this House appreciate it, but here is a district of Tennessee with approximately less than 3,000,000 people. There are only two other States in the Union that have four judges. One of them is Texas and the other is New York. There are seven States that have three judicial districts of which Tennessee is one. Sixteen States have 2 Federal judicial districts and 23 States have only 1 judicial district. For example, California, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Wisconsin have only two judicial districts, while such States as Connecticut, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, and New Jersey have only one judicial district. Wisconsin has over 3,000,000 inhabitants and there is one district in Wisconsin that has over 2,000,000 inhabitants, while with this new district down in Tennessee the population would be something in the neighborhood of 400,000 people in this new district.

There is no necessity, of course, for creating a permanent judgeship there. This judge who is a roving judge now can be called to any district to try cases and there is no use providing another permanent one and later on having to add about $40,000 a year for extra help for this judge.

If every district judge in the United States should have a district created for him it would cost the Federal Government $4,300,000 additional expense, and if you treated the other States the same as you are seeking here to treat the State of Tennessee it would mean the creation of 86 new districts at a cost of $4,300,000 of additional expense. If a new judicial district is created for every 400,000 people, as would be the case here in Tennessee, there would be 425 judicial districts in existence instead of 79, or 346 additional Federal judicial districts that would be created in order to do justice to the remainder of the country.

For these reasons I am opposed to the creation of a permanent judge down there. You have one there now who is performing his duties and the only purpose of this bill is to make this a permanent judgeship so you can create some new appointments for this judge and add to the expense of the Government later on by about $40,000 a year. I am opposed to it because Judge McReynolds showed in the RECORD that he was opposed to it up until the time of his death. I do not know anything about the bill referred to by the gentleman from Tennessee [Mr. KEFAUVER] and, so far as I know, he has been opposed to it all along. The bar of the district down there has always opposed it. They do not think it is necessary. The sixth judicial district is opposed to it and they do not feel it is necessary. I do not know anybody who wants it except the judge himself might want it made permanent.

Mr. KEFAUVER. Mr. Speaker, will the gentleman yield?

Mr. JOHNS. I yield.

Mr. KEFAUVER. Does the gentleman know that the bar passed a resolution asking for this legislation, or rather for a district court?

Mr. JOHNS. When did they pass that resolution?

Mr. KEFAUVER. The resolution was passed about 3 years ago, and I have the resolution and I have a letter from the president of the bar association urging the passage of this legislation, and likewise I have letters and telegrams from all the other bar associations in that section.

Mr. JOHNS. This information was furnished me by a member of the bar of Chattanooga, Tenn., for whom I have great respect, and I do not think he would try to mislead anyone, and I would want to see the resolution that the gentleman has, if he has one showing that they approved it, because this gentleman wrote to me that he was opposed to this bill and did not think it was necessary. He also stated that he did not think the bill creating this man a permanent judge was necessary, but that as long as it had been done and he is a roving judge, he might still remain so, but that they do not need to create another or an additional judgeship.

Mr. Speaker, I yield back the balance of my time.

Mr. MICHENER. Mr. Speaker, I yield 9 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, this bill originally provided for the creation of what is known as the mountain district in Tennessee. At the time it was introduced Judge Darr had been appointed to fill the position of roving judge. He was appointed on the idea that there was a temporary congestion in the dockets in the courts of the eastern and middle districts of Tennessee. It was not a permanent office, and when he passed out then the office expired.

This bill as originally introduced creating this mountain district came under the ban of the opposition of the distinguished chairman of the Judiciary Committee, who stated he could not support it because it was not necessary. I listened with a good deal of interest to the statement of the distinguished and beloved chairman of the Judiciary Committee, who said that certain of his Republican friends were distressed because if this substitute for that bill was adopted the Democratic judge would throw out some Republican officeholders and put in some Democrats. Now, Mr. Speaker, I have been a judge and I have seen the time in Tennessee when, in order to obtain a free and untrammeled judiciary, I, as a Republican, supported Democrats for judgeships, and I have done it many times, and I will do it again if it is necessary to keep the judiciary out of politics. [Applause.]

Now, let us see what is attempted to be done here. This amendment does by indirection what the original bill sought to do directly; that is to say, it makes this temporary judge a permanent judge, so that no matter how light the docket becomes there still will be a judge there filling this position.

In addition to that it, in effect, according to the letter of the Attorney General, creates a new judicial district in Tennessee, thereby having as many judicial districts in Ten-

nessee as exist in the great State of New York and in the State of Texas.

It is said that the coming of governmental agencies down there has created a volume of business in these courts. I know that is not true. Something has been said about the T. V. A. creating litigation. All the litigation that has ever arisen in the Federal courts as a result of the T. V. A. coming to Tennessee has consisted in condemnation suits, which never go before a district judge. Those suits are filed, and they automatically go before three commissioners, who go on the land, look at it, hear testimony, and fix its value. Then, if either the T. V. A. or the landowner is dissatisfied with the finding of those commissioners, an appeal lies to a three-judge court. So there is no increase in litigation as the result of the coming of any Federal agency.

I have looked at the dockets—certified copies of the dockets of the Federal court at Chattanooga and Winchester—and there is not enough business there to keep this new judge busy 60 days in the year.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. McLAUGHLIN. Is the gentleman aware of the fact that in the report of the judicial conference of 1939 the following words appear:

> It appears that in the following districts where dockets are reported to be current a year ago there is now congestion to greater or less degree.

Under that statement is listed the middle district of Tennessee.

Mr. JENNINGS. Yes; but I know from personal investigation that there is no congestion down there. There is not enough work down there to keep that judge busy 60 days in the year.

Mr. McLAUGHLIN. Will the gentleman yield further?

Mr. JENNINGS. No; not any further.

Mr. MICHENER. Will the gentleman just yield briefly?

Mr. JENNINGS. I yield to the gentleman.

Mr. MICHENER. The testimony before the committee in the first place was that there was not enough business in the new district proposed for 30 days a year, not 60 days. That is the bill which Judge Sumners would not support.

Mr. McLAUGHLIN. Will the gentleman yield now?

Mr. JENNINGS. No; I do not yield further. The gentleman from Michigan is right about that. I just wanted to have a good margin. [Laughter and applause.] If this judge becomes a permanent judgeship and this amendment becomes law, we will have four United States district judges in Tennessee. This judge is an excellent gentleman. We will not only have to have clerks and referees but district attorneys and marshals, and you will have to buy spurs for those judges and other officials to keep their feet from sliding off the desks. [Laughter and applause.]

In addition to that, let me call your attention to this: In the eastern district of Tennessee under this proposed amendment there will be 24 counties in that district. But there will be only 17 counties in this mountain district. There is only one of those counties that has any considerable business, and that is Hamilton County in which Chattanooga is located. In the middle district there are 33 counties and in the western district 21.

So you see, this mountain district is just a little district down there for the purpose of creating offices.

Now, I want to be absolutely frank about this matter. I like to see good things come to Tennessee. I expect if you create four or five or six judicial districts in Tennessee there are eminent and splendid lawyers who would willingly and graciously accept a Federal judgeship in Tennessee. It grieves me to have to oppose this measure which brings more judges and more officials to Tennessee, but I conceive it to be my duty as a Member of this House to oppose any such unnecessary increase and expense to the taxpayers.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. ROBSION of Kentucky. Kentucky has a greater population than Tennessee. It has more court business than Tennessee. It has only two districts and an additional roving judge. Why should there be four districts in Tennessee?

Mr. JENNINGS. There is no reason under the sun, except the insatiate desire for public office on the part of some people, who are like the old man of the sea, and the fisherman's wife who kept calling for more and more and more. [Laughter.]

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. SHORT. Do I understand if this measure passes, Tennessee will have more judges than the great States of Pennsylvania, or Ohio, or Michigan, or Missouri, or California?

Mr. JENNINGS. More judicial districts and more judges than any other State in the Union of like population.

Mr. SHORT. Does the gentleman think it is necessary for national defense? [Laughter.]

Mr. JENNINGS. Oh, it is not necessary at all. We do not need it.

Now, let me call attention to something else. The original act creates this temporary judgeship, but under this amendment, if it becomes law, the temporary judge will become a permanent judge, with a successor to be appointed. It actually goes to the length of empowering this district judge to appoint a deputy clerk at Chattanooga. Just thing of it! Under the guise of a general statute, in order to grab off a little piece of patronage pie you give a district judge the right to appoint a deputy clerk.

This rule ought to be defeated. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, in view of the fact that there seems to be some misunderstanding as to just exactly what this bill does, I ask unanimous consent to include in my remarks the supplemental report on this bill filed August 27, 1940.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

> The above bill, after having been reported on June 4, 1940, has been further considered by the Committee on the Judiciary and a substitute amendment has been agreed to by the committee, to strike out all after the enacting clause and insert new provisions, hereinafter discussed.
>
> The bill S. 1681 proposed to take the southern division of the eastern district and the Winchester (southern) division of the middle district from those districts and make them into the mountain district of Tennessee. The roving judge provided for the eastern and middle districts under the authority of the act approved May 31, 1938 (52 Stat. 584), would be the judge of such new district court.
>
> There has not been a new Federal judicial district created since April 21, 1928, although a number of additional judges have been provided from time to time as the need appeared. Some objection has therefore been made to the creation of the new district, the mountain district of Tennessee. The proponents of the bill have offered the substitute amendment which has been approved by the committee.
>
> Under the substitute amendment instead of creating a new district, Van Buren County will be transferred from the northeastern division of the middle district to the Winchester division of the middle district and the Winchester division so constituted will be transferred from the middle district to the eastern district of Tennessee.
>
> The roving judge, with headquarters at Chattanooga, appointed pursuant to the act referred to above, is given authority and jurisdiction over the Winchester division and the southern division of the eastern district, and becomes a district judge for the eastern district of Tennessee. This judge is given authority to appoint officials serving his court. He is constituted as a permanent judge, and your committee feel that it is both reasonable and expedient to so equitably divide the work between the four judges of Tennessee and confer definite authority or jurisdiction upon the roving judge.
>
> Concerning the transfer of Van Buren County to the Winchester division, that county is a small, mountainous county of about 6,000 population, situated nearer to Winchester than Cookeville in distance, and because of recently constructed highways is generally recognized as properly belonging in the Winchester division.
>
> James County is eliminated from the southern (Chattanooga) division of the eastern district. James County was merged with

Hamilton County some years ago and is no longer a county, and there appears no reason for continuing to carry it as a county within such division.

While the adoption of S. 1681 as originally reported would have entailed some expense, the adoption of the substitute does not, as no additional employees or officers are provided for, no additional judge is necessary, and no new facilities for holding court will be necessary as such facilities already exist.

DEPARTMENTAL OPINION

Following is a letter from the Attorney General concerning the proposed amendment. The minor objections regarding appointment of deputy clerks and the provision concerning venue, referred to by the Attorney General, have been corrected.

AUGUST 20, 1940.

Hon. ESTES KEFAUVER,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: This acknowledges your letter of August 16, with which you enclosed a proposed amendment in the nature of a substitute for the bill (S. 1681) entitled "An act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee."

Under existing law (U. S. C., title 28, sec. 188) the State of Tennessee is divided into three districts, known, respectively, as the eastern, western, and middle districts of Tennessee. There is one district judge in each district, and in addition there is a fourth judge who is a judge for the eastern and middle districts. The proposed substitute would designate specific terms of court in the eastern and middle districts of the State to be held by the last-mentioned judge, and other terms in the eastern and western districts to be held by the judges for such districts, respectively.

This appears to be a desirable arrangement, since it would assign specific duties to the district judge for the eastern and middle districts and at the same time leave him available for service elsewhere in the districts, if such a course appears desirable. Provisions of the same type are found in the law regulating the duties of the district judge for the northern and southern districts of West Virginia (U. S. C., title 28, sec. 194).

The existing law provides that no successor shall be appointed to the judge for the eastern and middle districts of Tennessee (U. S. C., title 28, sec. 4w). The proposed amendment would repeal such limitation. No reason appears why this should not be done, since the creation of the fourth judicial position as a permanent office was recommended by the Judicial Conference and by this Department.

I find no objection to the adoption of the amendment to the bill in the nature of a substitute, or to the enactment of the bill as amended.

I desire to call your attention in this connection to some provisions of minor importance. The amendment would authorize the district judges to appoint the various court officials, enumerating such officials. Deputy clerks are so enumerated. Under existing law, deputy clerks are appointed by the clerk (U. S. C., title 28, sec. 7). On the other hand, I find no objection to the proposed change in that regard, if it appears desirable to the Congress.

The second sentence of section 2 (a) of the proposed amendment contains a provision that for the purpose of determining jurisdiction and venue the southern division of the eastern, and the Winchester division of the middle districts shall be considered a separate and distinct judicial district. This seems hardly necessary in order to carry out the objective of the legislation, and yet may possibly constitute a source of confusion for litigants and members of the bar. In this connection, I desire to refer to a conference between you and Mr. Alexander Holtzoff, of this Department, in which you suggested the possibility of transferring the Winchester division of the middle district to the eastern district. I find no objection to such a course, if it will serve the convenience of the bar and litigants.

With kind regards,
Sincerely yours,

MATTHEW F. MCGUIRE,
Acting Attorney General.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Speaker, I am extremely sorry that members of the minority party have seen fit to try to draw a red herring in front of this bill which deals with a local situation that needs to be corrected in the section of the country affected, a district in which not one of the Members who has spoken has ever practiced law or maintained a law office except the gentleman from Wisconsin [Mr. JOHNS], and that was 25 years ago or longer, I believe. I personally have practiced law in the eastern and middle district courts of Tennessee for 13 years and am personally familiar with the situation.

Let me say in the first place that I have telegrams, recommendations, and resolutions from the bar associations of most every sizable town in the section affected approving the making permanent of this judgeship and locating this judge in a particular jurisdiction. I am mighty sorry that in a discussion of this kind it is necessary to mention, as some of my colleagues have seen fit to mention, the opinions of departed Members, but a very beloved late Member of this House has been mentioned in this connection. This was Judge McReynolds, one of the most influential Members of the House—a man highly respected and admired in his district and State—my close personal friend. The truth is that Judge McReynolds was for a permanent court there and wished to give a judge permanent and fixed jurisdiction down in that section. His attitude cannot be better stated than to introduce here and to show anybody who wants to see it, a bill that Judge McReynolds filed on January 14, 1938 (H. R. 8971), which provided for the location of a permanent judge at Chattanooga in this very section we are talking about.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. MICHENER. There is no question but what the gentleman from Tennessee, Mr. McReynolds, did introduce a bill, but did he appear before the committee and urge the creation of this judgeship or say that he would be for it unless the judge was made temporary? It was one of those bills introduced for a bar association.

Mr. KEFAUVER. I may say in answer to the gentleman from Michigan that I have copies of letters that Judge McReynolds wrote Judge Howell, of Nashville, and Mr. George Armistead, president of the Tennessee Bar Association at that time. In the letter to Mr. Armistead he stated:

> I have heretofore been in favor of creating another court with its headquarters at Chattanooga, but it is impossible. After talking to Mr. CHANDLER, of the Judiciary Committee, a Member of Congress from our State, I concluded to introduce a bill providing for the appointment of another judge for eastern and middle Tennessee, evidently one that is badly needed.

Every letter I have here where he has written about it he has recommended a permanent judgeship in this section.

I think some Members on the minority side may know and have a very high respect for the clerk of Judge McReynolds' committee, Mr. Ike Barnes. I have a letter here from Mr. Barnes in which he said—and he has told me personally—that the judge favored this, and that if he were living he would be here today working for it.

Mr. JOHNS. Mr. Speaker, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. JOHNS. Who is responsible for the proviso in the present act that this is to be a roving judge?

Mr. KEFAUVER. I may say to the gentleman from Wisconsin that in all the judgeships created back at that time, some 37 of them, I think, that provision was put in generally, as a matter of course.

Mr. JOHNS. Is it not a fact that there was no such provision except the one for Tennessee?

Mr. KEFAUVER. I think it was in most of the bills creating judgeships about that time.

Mr. JOHNS. The gentleman means in May 1938?

Mr. KEFAUVER. I think that is correct. Now, if I may continue for just a minute, I think we must look at the picture in Tennessee to see what the situation is.

Tennessee, as all of you know, has had four separate and distinct districts and large cities. All of these cities are more than 120,000 in population, and they are located in separate and distinct parts of the State. Memphis is in the southwestern part of Tennessee, Nashville is in the north-middle section, Knoxville in the northeastern section, and Chattanooga is in the southeastern section. We have three judicial districts and have had since 1880. Memphis is the headquarters of the western district, Nashville of the middle district, and Knoxville of the central district.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. KEFAUVER. I yield.

Mr. TABER. Could the gentleman tell us the present status of the court cases in these three districts?

Mr. KEFAUVER. I have the record here to show that the judges in the eastern district, taking the average of all the judges in Tennessee, try and dispose of more cases as an average than other judges throughout the United States on an average.

Mr. TABER. How many?

Mr. KEFAUVER. I think that ought to come later when we are discussing the details of the bill, and I will take it up at that time.

Back in the early 1930's there was a terrific congestion of the dockets down at Chattanooga and Nashville, and also to some extent in middle Tennessee. You could not get some cases tried for 2 or 3 years. Sometimes when you got a judge to try the cases he would take them under advisement for 2 or 3 years, so that the lawyers were unhappy and the litigants were unhappy. At that time the bar associations down in our section and in the Chattanooga section recommended the creation of a mountain district, the purpose of which was to take the Winchester division out of the middle district and put it in the mountain district along with the Chattanooga division and have a judge there in charge of that particular jurisdiction. This was not possible. A roving judge was created. This roving judge would first be in middle Tennessee, then he would be in east Tennessee. He has no status and he has no particular jurisdiction.

In Chattanooga we might have one session in which one judge would act on a demurrer or a pleading and in the next session the other judge would come down and take up the case where the first one left off. This was very unsatisfactory to the members of the bar and to litigants. While the situation has been remedied to a great extent, the bar associations, the lawyers, the litigants, and most everybody wanted the judge in that section to have a definite jurisdiction. They wanted him to be there so that when an injunction or some other extraordinary process came up for issuance they could find him and have it acted upon.

I want to say another thing and I am sorry I have to say it. We ran into a situation where the judge of the eastern district of Tennessee, who was in Knoxville—a very fine, eminent man, a splendid jurist, and I will not say anything against his ability or personal character—would try a very important case and then take it under advisement. He was so busy and overworked that the next time you would hear from some of the cases would be a year or so later. Some of these cases involved $100,000, $500,000, or more. Please do not understand that I mean to personally criticize this judge who is my personal friend.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. KEFAUVER. Mr. Speaker, what is now proposed is simply to take the Winchester division of the middle district, and Winchester is in or close to the Chattanooga trade area, and place the Winchester division of the middle district in the eastern district and give this judge who will decide the cases and who will dispense with the litigation primary jurisdiction in those two divisions. Winchester and the counties composing that division are in or near to the Chattanooga trade area and the bar associations in that section have expressed a willingness to be associated with the Chattanooga division. This does not call for the appointment of an additional officer. It does not call for the expenditure of one dime of additional money. We already have the quarters there and all we want to do is to have the judge there where he can hold court, where we will know who will hold court, where he can go into a case at the beginning and carry it through to a conclusion.

Mr. HANCOCK. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. HANCOCK. What is there to prevent this roving judge from making his headquarters in Chattanooga and transacting this business under the present arrangement?

Mr. KEFAUVER. The jurisdiction and the right to hold court there is vested in the district judge of the eastern district and not in this judge. He has no status as to the particular places he is to hold court fixed by law.

Mr. HANCOCK. He can be assigned to hold court in Chattanooga, can he not?

Mr. KEFAUVER. It has not been fixed by law so we can be sure it will be that way.

Mr. GORE. Will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Tennessee.

Mr. GORE. Under the arrangement of this bill the judge who will have primary jurisdiction would be the most recently appointed judge?

Mr. KEFAUVER. That is correct.

Mr. GORE. I want to say to the House he is a splendid judge. The Winchester area would be delighted to have this primary jurisdiction established so that litigants and counsel will know to which judge to go to make their pleas.

Mr. KEFAUVER. I thank the gentleman. I may say to the Members present that these counties in the Winchester division and the Chattanooga division, with one exception, are all in the district represented by Mr. GORE and in my district; so I think the two of us are in a position to know what the situation is.

Mr. Speaker, I am only interested in getting a situation straightened out down there. We want a judge who is going to be there all the time and who is going to try our cases. We do not want to have a case under one judge one term and under another judge the next term. I think this is a very meritorious bill. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HANCOCK), there were—ayes 57, noes 59.

Mr. KEFAUVER. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 166, nays 134, not voting 129, as follows:

[Roll No. 202]

YEAS—166

Allen, La.	Doughton	Kocialkowski	Rayburn
Anderson, Mo.	Duncan	Kramer	Robertson
Barnes	Dunn	Lanham	Robinson, Utah
Barry	Eberharter	Leavy	Rogers, Okla.
Beckworth	Edelstein	Lesinski	Romjue
Bell	Edmiston	Lewis, Colo.	Sasscer
Bloom	Ellis	Lynch	Satterfield
Boehne	Faddis	McAndrews	Schuetz
Boland	Flannagan	McArdle	Schulte
Boren	Fries	McCormack	Schwert
Brooks	Gathings	McKeough	Scrugham
Brown, Ga.	Geyer, Calif.	McLaughlin	Secrest
Bryson	Gore	Mahon	Shanley
Buckler, Minn.	Gossett	Maloney	Shannon
Byrns, Tenn.	Grant, Ala.	Mansfield	Smith, Conn.
Byron	Green	May	Smith, Ill.
Camp	Gregory	Mills, Ark.	Smith, Va.
Cannon, Fla.	Griffith	Mills, La.	Smith, Wash.
Cannon, Mo.	Harrington	Mitchell	Smith, W. Va.
Cartwright	Harter, Ohio	Monroney	Snyder
Casey, Mass.	Havenner	Moser	Somers, N. Y.
Claypool	Healey	Mouton	South
Cochran	Hennings	Myers	Sparkman
Coffee, Nebr.	Hill	Norrell	Spence
Coffee, Wash.	Hobbs	O'Connor	Steagall
Colmer	Hook	O'Day	Sumners, Tex.
Cooper	Houston	O'Leary	Sutphin
Costello	Hunter	O'Neal	Tarver
Courtney	Izac	O'Toole	Tenerowicz
Cox	Jacobsen	Pace	Terry
Cravens	Jarman	Parsons	Thomas, Tex.
Creal	Johnson, Luther A.	Patman	Thomason
Crosser	Johnson, Lyndon	Patrick	Vinson, Ga.
Crowe	Johnson, W. Va.	Patton	Walter
Cullen	Kee	Pearson	Weaver
D'Alesandro	Kefauver	Peterson, Fla.	West
Darden, Va.	Keller	Peterson, Ga.	Whelchel
Davis	Kennedy, Martin	Pierce	Whittington
DeRouen	Kennedy, Md.	Poage	Williams, Mo.
Dickstein	Keogh	Rabaut	Zimmerman
Dingell	Kilday	Ramspeck	
Disney	Kleberg	Rankin	

NAYS—134

Alexander	Andresen, A. H.	Austin	Bolles
Allen, Ill.	Andrews	Ball	Bradley, Mich.
Andersen, H. Carl	Angell	Bender	Brown, Ohio
Anderson, Calif.	Arends	Blackney	Carlson

Case, S. Dak.	Gwynne	Lewis, Ohio	Schafer, Wis.
Chiperfield	Hall, Leonard W.	Ludlow	Schiffler
Church	Halleck	McDowell	Seccombe
Clason	Hancock	McGregor	Short
Clevenger	Harness	McLean	Smith, Maine
Cole, N. Y.	Harter, N. Y.	Maas	Smith, Ohio
Crawford	Hartley	Marshall	Springer
Crowther	Hawks	Martin, Iowa	Stearns, N. H.
Curtis	Hess	Mason	Stefan
Ditter	Hinshaw	Michener	Sumner, Ill.
Dondero	Hoffman	Monkiewicz	Sweet
Douglas	Holmes	Mott	Taber
Dworshak	Horton	Mundt	Talle
Eaton	Hull	Murray	Thill
Elston	Jarrett	O'Brien	Thorkelson
Engel	Jenkins, Ohio	Oliver	Tibbott
Englebright	Jenks, N. H.	Osmers	Tinkham
Fenton	Jennings	Pittenger	Van Zandt
Fish	Jensen	Plumley	Vincent, Ky.
Gamble	Johns	Powers	Vorys, Ohio
Gartner	Johnson, Ill.	Reed, Ill.	Welch
Gearhart	Jones, Ohio	Reed, N. Y.	Wheat
Gehrmann	Jonkman	Rees, Kans.	Williams, Del.
Gerlach	Kean	Rich	Wolcott
Gilchrist	Keefe	Robsion, Ky.	Wolfenden, Pa.
Gillie	Kinzer	Rockefeller	Wolverton, N. J.
Goodwin	Knutson	Rodgers, Pa.	Woodruff, Mich.
Graham	Kunkel	Rogers, Mass.	Youngdahl
Grant, Ind.	Landis	Rutherford	
Gross	LeCompte	Ryan	

NOT VOTING—129

Allen, Pa.	Delaney	Kelly	Richards
Arnold	Dempsey	Kennedy, Michael	Risk
Barden, N. C.	Dies	Kerr	Routzohn
Barton, N. Y.	Dirksen	Kilburn	Sabath
Bates, Ky.	Doxey	Kirwan	Sacks
Bates, Mass.	Drewry	Kitchens	Sandager
Beam	Durham	Lambertson	Schaefer, Ill.
Bland	Elliott	Larrabee	Shafer, Mich.
Bolton	Evans	Lea	Sheppard
Boykin	Fay	Lemke	Sheridan
Bradley, Pa.	Ferguson	Luce	Simpson
Brewster	Fernandez	McGehee	Starnes, Ala.
Buck	Fitzpatrick	McGranery	Sullivan
Buckley, N. Y.	Flaherty	McLeod	Sweeney
Bulwinkle	Flannery	McMillan, Clara	Taylor
Burch	Folger	McMillan, John L.	Thomas, N. J.
Burdick	Ford, Leland M.	Maciejewski	Tolan
Burgin	Ford, Miss.	Magnuson	Treadway
Byrne, N. Y.	Ford, Thomas F.	Marcantonio	Voorhis, Calif.
Caldwell	Fulmer	Martin, Ill.	Vreeland
Carter	Garrett	Martin, Mass.	Wadsworth
Celler	Gavagan	Massingale	Wallgren
Chapman	Gifford	Merritt	Ward
Clark	Guyer, Kans.	Miller	Warren
Cluett	Hall, Edwin A.	Murdock, Ariz.	White, Idaho
Cole, Md.	Hare	Murdock, Utah	White, Ohio
Collins	Hart	Nelson	Wigglesworth
Connery	Hendricks	Nichols	Winter
Cooley	Hope	Norton	Wood
Corbett	Jeffries	Pfeifer	Woodrum, Va.
Culkin	Johnson, Ind.	Polk	
Cummings	Johnson, Okla.	Randolph	
Darrow	Jones, Tex.	Reece, Tenn.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Illinois (for) with Mr. Simpson (against).
Mr. Arnold (for) with Mr. Miller (against).
Mr. Ford of Mississippi (for) with Mr. Luce (against).
Mr. Doxey (for) with Mr. Thomas of New Jersey (against).
Mr. Collins (for) with Mr. Bates of Massachusetts (against).
Mr. Pfeifer (for) with Mr. Wigglesworth (against).
Mrs. Clara G. McMillan (for) with Mr. Cluett (against).
Mr. Barden of North Carolina (for) with Mr. Kilburn (against).
Mr. Nelson (for) with Mr. Reece of Tennessee (against).
Mr. Bulwinkle (for) with Mr. Polk (against).
Mr. Clark (for) with Mr. Dirksen (against).
Mr. Durham (for) with Mr. McLeod (against).
Mr. Fay (for) with Mr. Culkin (against).
Mr. Cooley (for) with Mrs. Bolton (against).
Mr. Gavagan (for) with Mr. Routzohn (against).
Mr. Michael J. Kennedy (for) with Mr. Corbett (against).
Mr. Warren (for) with Mr. Gifford (against).
Mr. Sullivan (for) with Mr. Edwin A. Hall (against).
Mr. Richards (for) with Mr. Guyer of Kansas (against).
Mr. Starnes of Alabama (for) with Mr. Jeffries (against).
Mr. Murdock of Utah (for) with Mr. Hope (against).
Mr. McGehee (for) with Mr. Johnson of Indiana (against).
Mr. Schaefer of Illinois (for) with Mr. Lambertson (against).
Mr. Randolph (for) with Mr. Treadway (against).
Mr. Kelly (for) with Mr. Vreeland (against).
Mr. Satterfield (for) with Mr. Barton of New York (against).

Until further notice:

Mr. Beam with Mr. Carter.
Mr. Dempsey with Mr. Winter.
Mr. Hare with Mr. Shafer of Michigan.
Mr. Kerr with Mr. Lemke.
Mr. Bland with Mr. Leland M. Ford.
Mr. Woodrum of Virginia with Mr. Darrow.
Mr. Drewry with Mr. Martin of Massachusetts.
Mr. Fernandez with Mr. Risk.
Mr. Burch with Mr. White of Ohio.
Mr. Hart with Mr. Sandager.
Mr. Kirwan with Mr. Wadsworth.
Mr. John L. McMillan with Mr. Burdick.
Mr. Buck with Mr. Marcantonio.
Mr. Folger with Mr. Fitzpatrick.
Mr. Byrne of New York with Mr. Brewster.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. KEFAUVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1681, with Mr. RAMSPECK in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Tennessee [Mr. KEFAUVER] is recognized for 30 minutes, and the gentleman from New York [Mr. HANCOCK] is recognized for 30 minutes.

Mr. KEFAUVER. Mr. Chairman, I have no one who wishes to speak at this time.

Mr. TABER. Is no one going to explain the bill and tell the story?

A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. I have sent to the desk asking if there were any hearings on this bill but have been unable to find any. I ask if there were any hearings held by this committee on this bill. This seems to be a mystery bill. It seems funny to bring in a bill without hearings.

The CHAIRMAN. In answer to the inquiry of the gentleman from New York, the Chair would suggest that the gentleman direct that inquiry to the gentleman in charge of the bill and not to the Chair.

Mr. KEFAUVER. I will say to the gentleman that hearings were held on the bill.

Mr. TABER. Are the hearings available?

Mr. KEFAUVER. There are no printed hearings.

Mr. TABER. No hearings?

Mr. KEFAUVER. They called in witnesses on the bill.

Mr. TABER. It seems funny to bring in a bill here without having printed hearings available. It is not the custom.

Mr. SUMNERS of Texas. If the gentleman will yield, I will say that we do that over in our committee frequently.

Mr. TABER. I am surprised that anyone would do that.

Mr. SUMNERS of Texas. We are for economy over on our side.

Mr. TABER. That is not economy, because it is a cover-up program to cover up the facts.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Who is that that talks about economy? Show me the gentleman on that side of the House who mentioned economy. I have been looking for him for 7 years.

Mr. SUMNERS of Texas. I do not believe the gentleman will ever find him, because if the gentleman gets right close to him he will go the other way.

Mr. RICH. Take this statement that is issued by Mr. Morgenthau and see where we have gone in the red this year—$668,526,000 since July 1. It seems to me nobody has the right to talk about economy over on that side.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. HANCOCK. As I understand, an amendment is to be offered by the gentleman from Tennessee. Before we start the discussion, will the gentleman be good enough to read the amendment which he proposes to substitute for the bill?

Mr. KEFAUVER. I may say to the gentleman that committee prints of the amendment have been available at the desk all along.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Michigan.

Mr. MICHENER. I do not quite understand just where the gentleman is at as far as procedure is concerned. We have the bill, which has a number. There has been a committee amendment recommended. Does the gentleman contemplate moving to strike out everything after the enacting clause and inserting the amendment, and then discussing the amendment, or is he going to discuss the old bill, which the chairman has refused to support?

Mr. KEFAUVER. I say to the gentleman that the committee amendment will be offered to the bill. The committee amendment has been printed and is available. I believe it would be proper to discuss the committee amendment, although it speaks for itself. It is available.

I should like to yield to the gentleman from New York one-half the time available under this rule. Does the gentleman want to use any time?

Mr. MICHENER. He has that under the rule.

Mr. HANCOCK. I believe it would be more orderly if the gentleman from Tennessee would state exactly what he means by this bill. He stated at the opening he intended to do so, and to give us some idea of the volume of litigation in the district.

Mr. KEFAUVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I thought that under the rule a fairly full explanation was made of the situation. To begin with, as I said a few minutes ago in speaking on the rule, Tennessee has four separate important and rather populous areas, the Memphis, the Nashville, the Knoxville, and the Chattanooga areas. We have three districts with Knoxville as the headquarters of the eastern district, Nashville the headquarters of the central district, and Memphis the headquarters of the western district.

In the eastern district the judge holds court at Greenville, which is in the extreme northeastern part of the State, and at Knoxville and at Chattanooga. Generally speaking, over the course of the years the business in the eastern district has been almost twice that of either one of the other districts, just about double the business in either one of the other districts and, generally speaking, the business in the eastern district has been about equal between the Chattanooga court and the Knoxville court. Chattanooga is a little bit larger city than Knoxville and has a substantial trade area around it.

Back in the early thirties there was a very heavy congestion of the docket in the eastern district and in the middle district, as found in the conference report and the statement by the Attorney General. I personally knew about that and experienced it, because we would have to wait sometimes a year or two in order to get our cases disposed of. One reason for that very heavy congestion, and the chief reason, of course, was the amount of business that had to be done. Another reason—and I say this not in a personal or a critical way—but the record has been made and that shows that the judge of the eastern district of Tennessee when he would take cases under advisement would sometimes hold them under advisement for a rather long time before he would decide them, and these were important cases. I have one here in which I was counsel.

Mr. MICHENER. Mr. Chairman, will the gentleman yield right there?

Mr. KEFAUVER. Yes.

Mr. MICHENER. If that condition exists and there is not 30 days' work in the district for a judge in a year, is there not something wrong with the judge, and is not the remedy to do something about the judge rather than to establish another district?

Mr. KEFAUVER. I will say to the gentleman that these were very complicated cases and required a lot of study. Some of them involved $500,000 or $1,000,000 or $1,500,000, and the judge was literally swamped with work, as I will show here in a few minutes. The judge, as I have said, is a fine high-type man and an excellent jurist and I have no complaint against him. Anyway, the bar associations and the litigants and the people generally, particularly in the Chattanooga district, became very much interested in doing something about the situation. So it was generally proposed to create a mountain district to take in the Chattanooga area and the Winchester division of the middle district which is in that area. This was not done and so a roving judge was recommended who was to rove between the eastern district and the middle district. This roving judge was appointed pursuant to the act of May 31, 1938, and he has been a very splendid judge and is making a good record. He takes his cases and decides them promptly and gives you a quick hearing. He lives in Chattanooga and he is down there now.

This helped the situation a great deal, but it was not satisfactory entirely for the reason that this roving judge had no status and had no definite jurisdiction. He might be in Chattanooga at one term of the court and the next time, when the term of court came there, he would be in another section of the State and the other judge would have to come down and take up the cases where the roving judge left off and vice versa. So there has been a strong demand, and is now a very strong demand, for having a judge with a permanent jurisdiction located in the Chattanooga and the Winchester divisions.

The work in the State of Tennessee would be equitably divided between the four judges if this roving judge were given the Chattanooga and the Winchester divisions, the judge of the eastern district, the senior judge, retain the Knoxville and the Greenville jurisdiction, and the middle judge given the Nashville and the Cookeville and Columbia jurisdiction, and the Memphis judge given everything west of the Tennessee River, over in the western part of the State. So pursuant to the demand of the bar associations and the lawyers in this section for a permanent judgeship, someone who would be there and to whom they could go and present their writs and applications for extraordinary process, the Senate bill (S. 1681) was introduced in the Senate and passed by the Senate. When it came over to the House, and after it was reported by the Committee on the Judiciary, a good deal of opposition developed to it for the reason that it would cost about $25,000 or $30,000 on account of having an additional staff, and during this time of national emergency when we want to spend money for preparedness and economize on everything else, there was very substantial opposition to it, although I thought the bill had a great deal of merit and ought to be passed, and I still think so. So in order to meet that opposition, including the effective opposition of the chairman of the Committee on the Judiciary, this amendment, a committee print of which has been passed around, was adopted by the Committee on the Judiciary and will be offered when the proper time comes as an amendment to the Senate bill (S. 1681). Frankly, the amendment is presented because we could not pass the bill as it passed the Senate.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. PARSONS. Will the gentleman explain just what the committee amendment will do to the original bill?

Mr. KEFAUVER. Yes.

Mr. PARSONS. And right at this point I would like to know whether or not the constituents of my colleague really want this bill passed.

Mr. KEFAUVER. I say to the gentleman that I have telegrams and resolutions here and a letter from the president of the Chattanooga Bar Association asking for the passage of the mountain district court bill. The reason they want that is because they want a permanent judgeship, but since they cannot have that they want a permanent judge who will have a definite jurisdiction.

Mr. PARSONS. Does this involve the appointment of an additional judge?

Mr. KEFAUVER. No; it does not; and I will come to that in a moment. But in answer to the gentleman's inquiry as to whether or not our constituents want it, as I said before,

this section is represented almost entirely by the gentleman from Tennessee [Mr. GORE] and myself, and in our opinions a majority of the lawyers and people in our sections are in favor of it. The gentleman from Tennessee [Mr. GORE] has spoken for the sections in his district. Senator STEWART, from Tennessee, is a resident of and practicing attorney at Winchester; he is an exceptionally able lawyer and a former attorney general, and he knows the situation, and he is very much interested in having this judge fixed with a definite jurisdiction. He is supporting the bill very strenuously.

I have telegrams from the Coffee County Bar Association, from the Winchester Bar Association, the Fayetteville Bar Association, the Moore County Bar Association, a number of leading attorneys of the Rhea County bar.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I yield myself 10 additional minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. Let me go on for just a minute, please. The president of the Chattanooga Bar Association—I know they want it, and as a practicing attorney in that section I can say it is desirable. As a matter of fact, I think the chairman of the Judiciary Committee, Judge SUMNERS, and the Attorney General, and any other agency who has studied the situation knows that a roving judge is very unsatisfactory. In the first place, he cannot advance because he has no definite jurisdiction. In the second place, he has no control over the dockets at any particular place. He just goes here and there and picks up where somebody else leaves off, and never has any definite jurisdiction.

Mr. HEALEY. Will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. HEALEY. I wanted the gentleman to explain about a roving judge. He is a duly appointed judge of the court—a United States Federal judge, is he not?

Mr. KEFAUVER. Yes. A roving judge is a regular district judge. He is already there, but the only thing about it is he does not have anywhere to hang his hat.

Mr. HEALEY. And you want to tie him down?

Mr. KEFAUVER. We want to tie him down.

Mr. KNUTSON. Hog tight? [Laughter.]

Mr. KEFAUVER. Now, the proposed amendment simply takes the Winchester division of the middle district which consists of about seven counties and which is right adjacent to the Chattanooga area, and places the Winchester division in the eastern district of Tennessee. Then the Winchester division, along with the Chattanooga division, which is the southern division of the eastern district, is placed under this roving judge's care. He is made an additional judge of the eastern district of Tennessee and he has charge of the dockets there. He has charge of the cases there. He will sit there and hold court term after term, except when transferred to some other district, as can be done by the senior circuit judge, or he may go into the other parts of the eastern district by agreement with the other judge of the eastern district. So that this bill brings about the result that the people want. This does not call for the creation of any new office or any new employees.

Mr. TABER. Will the gentleman yield right there?

Mr. KEFAUVER. I yield.

Mr. TABER. It makes the roving judge a permanent judge, instead of the office just continuing as long as this judge lives?

Mr. KEFAUVER. I will come to that in just a minute.

Now, we already have full headquarters for the judge at Chattanooga and also at Winchester, so that there are no new facilities needed. There is no new officer or employee added to the staff.

The chief objection that has been made to this bill is that after this judge is given jurisdiction and a definite status—and I think everybody must agree that that should be done; I know the lawyers and everybody down there want it, and that includes some members of the minority party—after he is given a definite status and jurisdiction, then he has a certain responsibility. He is responsible for the proper conduct of this division that he has charge of. If he has to be there and if he has to be responsible, is there any reasonable argument against giving him the power to appoint those officials who will personally work for him in those divisions? That is the only other part there is to this bill. If he is to be responsible for the conduct of some commissioner, should he not have the right of control over that commissioner? Take it the other way. If the other judge, who is up at Knoxville, does not have primary responsibility for the trial of cases and the conduct of the Chattanooga and Winchester courts, if he is not going to have the chief responsibility for the conduct of the courts in those two divisions, how can there be any politics, or how can there be anything except reason in not letting him have control of the men who are going to work under the judge who has the responsibility? Why should he want to retain them? He is not charged primarily for anything they do. They do not work under him. We all know that in order for a judge to do effective work, the employees through whom he works have to be responsible to him. That is only sound common sense.

Something was said about a deputy clerk at Chattanooga. If you will read this bill you will see that he will have to be appointed by the clerk at Knoxville, because the general law provides, title XI, sections 6 and 7, that the clerk of the district court appoints his deputy clerks. So that he will continue to appoint the clerk at Chattanooga, and there is no clerk at Winchester.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. GORE. In that connection, there seems to be some misunderstanding that this will create either a new judgeship or new clerkship or some new position. Is it not true that this bill does not create any new position, but gives primary jurisdiction of the Chattanooga area to the roving judge?

Mr. KEFAUVER. The gentleman is correct.

As I said a few minutes ago, the record shows—and I have personally practiced law in this section and know how busy the court there is—the record shows over a period of years that about one-half of the work in the eastern district is done at Chattanooga. If you put the work that is done at Winchester into the Chattanooga division it will just about equalize the work all through the State. As to whether the amount of work done in the district courts of Tennessee makes this judgeship necessary, let me say that in 1938 when this roving judge was appointed and provided for, an additional judge was found to be needed for this section, and that is the reason that bill was passed. If you will notice in the letter of the Attorney General which is on page 2 of the supplemental report this statement is made:

> The existing law provides that no successor shall be appointed to the judge for the eastern and middle districts of Tennessee. The proposed amendment would repeal such limitation. No reason appears why this should not be done, since the creation of the fourth judicial position as a permanent office was recommended by the judicial conference and by this Department.

That is a statement made by the Acting Attorney General.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. SPENCE. Who assigns the roving judge to the additional district, and who designates the additional cases he shall try?

Mr. KEFAUVER. The way it works out is that the various judges agree where he is to go. He goes where they call him. He does not have anybody in particular to assign him. That is the way it works out and it is a very unsatisfactory situation.

A new judgeship was needed in 1937. This section of Tennessee has been growing very rapidly during the last 10 years. The census shows that the counties in which these two divisions are located have increased more than 10 percent in population. A great many new industries have come into this section, and the work in the Federal courts is increasing and can be expected to increase. As stated by the Acting Attorney General, they see no objection to making this judgeship permanent.

Mr. PEARSON. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. PEARSON. With reference to the increase as shown in the census figures for the State of Tennessee in the last census, is it not true, literally true, that the largest increases registered in the State were in the counties which will be affected and served by this judgeship?

Mr. KEFAUVER. The gentleman is correct about that; and I may say that in the last 10 years the population of Tennessee has increased by approximately 400,000, and a large part of this increase is in this particular section.

In the United States there are 187 acting district judges. I have compiled statistics showing the work done by the average district judge. You will find on page 202 of the Attorney General's report that the average number of criminal cases filed in a district is 186.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KEFAUVER. I yield.

Mr. HANCOCK. I notice that the Attorney General calls attention to the fact that under your bill the judge would have the appointment of deputy clerks. The general law is that deputy clerks are appointed by the clerk.

Mr. KEFAUVER. Answering the gentleman I may say that his suggestion was complied with, and that matter is left with the district clerk under this proposed amendment.

The average number of criminal cases handled by a judge is 186. In the eastern district of Tennessee it was 369. The average terminated was 190; in the eastern district of Tennessee it was 404.

The average defendants' cases filed in criminal cases was 276; in the eastern district of Tennessee it was 636. Terminated: The average was 283; in the eastern district of Tennessee it was 696.

Civil cases filed: The average was 115; in the eastern distrist of Tennessee it was 225. Terminated: The average was 128; in the eastern district of Tennessee it was 242.

Let me say to the members of the committee that I would not be here just to ask for something of no importance, to talk about something that was just a political matter, because I expect to again go down there and practice law some time. But I know of my own personal knowledge the amount of litigation and the conduct of the courts will be helped by having the judge there made permanent. I have no personal criticism to make of anyone or of the work they have or are doing.

This bill does not cost one penny. Not one new officer or employee is provided for. If this judge is to do a good job he has got to have these men who are under him responsible to him, and if the roving judge is fixed with a definite jurisdiction and made permanent, the situation will be more satisfactory. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, I think no one should hesitate at least about supporting the committee amendment. The committee amendment will improve the bill, but even with the committee amendment the bill will still contain a feature to which I am opposed, and that is that it still will make a temporary judgeship permanent.

You will recall that a few months ago we had a bill before us creating a number of judgeships throughout the country. I was on the subcommittee that considered that bill. In the House I supported it, although it contained some judgeships of which I did not approve. I was led to support that bill partly because it contained a provision I have long advocated and which I had hoped would be the permanent policy of the Congress, and that is that all judgeships hereafter created, so far as possible, would be temporary judgeships.

This roving judgeship in Tennessee is temporary, but this bill proposes to make it permanent. If you will read the surveys that have been made of the judicial work of this country, you will be impressed, I believe, by the fact that the work is not entirely satisfactory; and I think you will come to the conclusion that this condition is not because we do not have sufficient judges in America. I think we do. The trouble is we do not have them in the right places. I have not been able to understand why, for example, Tennessee should have four judges or why Oklahoma should have four.

Many times a temporary situation arises such as occurred in New York in the days of prohibition, or as occurred in Florida because of the land boom and the subsequent crash. In my judgment, Mr. Chairman, the difficulty with our judicial system is that there is not enough flexibility.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I think we are all conscious of the correctness of what the gentleman states, but in attempting to cope with that situation does the gentleman realize the system has been built up by which a judicial conference annually meets, composed of the presiding judges of the circuit court of appeals of the various circuits, headed by the Chief Justice of the Supreme Court of the United States, who make recommendations concerning additional judges, and does not the gentleman also realize that the judicial conference made a recommendation for an additional judge in this particular district?

Mr. HANCOCK. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from New York.

Mr. HANCOCK. Did the gentleman ever hear of any judgeship being abolished, no matter how small the business of the court became?

Mr. GWYNNE. I may say, in answer to both gentlemen, that of course we have created the judicial conference. In considering the last bill, the subcommittee did not create any new judgeship that had not been recommended by the judicial conference. We did not believe, however, that we should allow a judgeship to be created simply because it was recommended by the judicial conference. During the past year we have created an administrative officer of the court, whose duty it is to keep in touch with the functioning of the courts throughout the country and to make reports to the Congress. I believe the Congress will have better information in the future from this source in regard to the functioning of our judicial system.

What we need is a revamp of the districts and divisions and maybe the circuits in this country, and, as an aid to that, should retain the provision of the law that all judgeships hereafter would be temporary, so that when a vacancy occurs the Congress could then reexamine the subject under consideration and get the advice of the judicial conference and administrative officer of the courts.

Mr. PATRICK. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Alabama.

Mr. PATRICK. I am from the State of Alabama, and we have only three judges down there while they have four in Tennessee. Of course, we are a lot more law abiding. We do not have as many lawsuits as they have in Tennessee. May I ask the gentleman if as a member of that committee he has ascertained whether there has been a tremendous increase in population in this area in Tennessee?

Mr. GWYNNE. Yes, I understand so. The population of Tennessee is now about 2,000,000.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. KEFAUVER. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. The population of Tennessee is about 3,000,000 according to the last census.

Mr. GWYNNE. Even admitting the population to be 3,000,000, it seems to me Tennessee is over-judged with four judges.

Mr. GORE. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Tennessee.

Mr. GORE. The gentleman cited the situation in New York, I believe, in which an emergency arose and additional judges were needed. He will also bear in mind the Tennessee Valley development. I hold in my hand three full pages of cases pending at the time this document was copied involving the T. V. A. That has been a circumstance that has caused an emergency down there.

Mr. GWYNNE. That may be a reason for giving them an additional judge, but what reason is there now for making this judgeship permanent?

Let us wait until a vacancy occurs, then decide it upon the facts then before us. Let us not abandon so quickly this policy that I think is a good one, and that is that the Congress keep this thing at all times under its control by making these judgeships temporary as far as possible.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, I can well understand the desire of the new dealers to create as many additional Federal judgeships as possible so that they will be able to take care of as many as possible of the many who are going to fall by the wayside this fall.

Mr. KEFAUVER. Will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. I hope the gentleman does not say seriously that this creates a new judgeship. We already have the judge there.

Mr. KNUTSON. I may say to the gentleman that I am only making a general observation. That judgeship is temporary. You seek to make it permanent.

Mr. Chairman, Minnesota and Tennessee are about the same in population. In Tennessee they have three judicial districts, whereas in the State of Minnesota we have but one judicial district, yet we have a much larger territory to cover than has Tennessee. The gentleman from Tennessee had much to say about their roaming judge, and he laments the fact that one of the judges is a roamer; that is, he roams from one district to another, and, therefore, does not have the standing that a permanent Federal judge should have.

We have four judges in Minnesota and they all roam. They hold court in all parts of the State and they are available to hold court in all parts of the State. If the judge they have down there in Tennessee is roaming outside the confines of his State, I would suggest that they hog-tie him and keep him at home.

I understand there are many moonshine cases down in that district, but such a situation can be cured by conferring upon police courts jurisdiction to handle violations of the Federal liquor laws.

Mr. Chairman, I ask in all seriousness if we are not overdoing this matter of creating new judgeships? If the gentleman from Tennessee really wants to improve the court procedure down in his State, why does he not bring in a bill to consolidate the three districts in Tennessee so that the judges can roam from the Mississippi River eastward up into the moonshine country, and rotate them so that they will not all jump into the moonshine country at one time?

I hope the pending bill will be defeated. It should be defeated. I do not like this idea of trying to fasten a permanent burden of $10,000—yes, probably eighteen or twenty thousand—a year upon the American people at a time when we are going into the red $4,500,000,000 annually. I think we should have a roll call on this bill so that we may find out who are and who are not sincere in their desire to practice economy.

Mr. KEEFE. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. KNUTSON. I hope the gentleman will not take me off my feet. Is the gentleman for the bill?

Mr. KEEFE. I would like to have more Members here to hear the gentleman's speech.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Alabama.

Mr. PATRICK. I believe the gentleman has been down to Tennessee and seen them carry on court there. Does not the gentleman concede that really they need more judges and that there is more activity per trial in Tennessee than in the average State?

Mr. KNUTSON. I do not think they need more judges, rather they need more industrious judges.

Mr. PATRICK. Does the gentleman remember the Stokes trial down there?

Mr. KNUTSON. That was the evolution trial?

Mr. PATRICK. Yes.

Mr. KNUTSON. I do, and in light of that case I should say that rather than needing more judges they need better judges.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Minnesota.

Mr. ALEXANDER. In the gentleman's opening remarks he stated that Minnesota and Tennessee were the same in size. I believe the gentleman meant not geographically speaking but as to population.

Mr. KNUTSON. As to population, yes. Minnesota is 4 times as large geographically as is Tennessee.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Wisconsin.

Mr. JOHNS. Does not the gentleman really believe they need more activity from the judges they have down there, rather than another judge?

Mr. KNUTSON. I think so. I am beginning to believe the judges in Tennessee must belong to the C. I. O.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I sometimes wonder if it would not be a good idea to go along with some of these judgeship bills, providing extra judgeships that are not needed, so that when it comes time to appoint members of the United States Supreme Court it would not be necessary to appoint professors or persons who have no previous qualifications as judges.

Mr. KNUTSON. Of course, there must be cushions for the lame ducks to light on. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I do not like to be in the position of coming before this Committee just to oppose legislation that has approval of the majority of this Committee. I have tried to listen to this debate from the very beginning until now and have listened very carefully; I have not yet heard of one single sound reason why this judgeship should be made permanent. As I understand it, this judge was appointed about 2 years ago as a so-called roving judge to take care of a situation that arose at that particular time that had to do with litigation affecting especially the T. V. A.

It seems to me this legislation is like a lot of other legislation that comes on the floor of the Congress. We propose a piece of temporary legislation, then come along a little later and make it permanent. Up to this time we do have our hand on this situation, not very heavily, because, as I understand, this man is appointed for life, but someone somehow gets the idea that this judgeship ought to be made permanent.

What I think ought to be done is to redistrict the State of Tennessee. Just divide the State somewhere nearly equal among the judges you have. From what I have heard this afternoon, I do not believe you really need a new judge, if every judge would get busy and do his share of the work as he should do it.

Something was said about comparative figures as far as population is concerned. You will not find very many States in the Union that have as many judges on the basis of popu-

lation as this State. In my State, and I admit conditions are somewhat different, we have one judge. We have practically 2,000,000 people. But certainly I cannot understand why you are entitled to so many judges, providing each judge does the work he ought to. What I believe has happened, from what the gentleman has just told us, is that you have too little work for about two of your judges and maybe a little more work than one ought to have for the other.

Therefore, why not send this bill back to the committee? Let it go back to the committee and let us redistrict the State, or, better still, let us just kill the bill and leave the thing the way it stands. You are not losing anything. You are just holding your hand a little bit on the situation, not much, because I do not believe you will find very many cases in our entire history where, after you have created a judgeship, you ever abolished that judgeship. Instead of that, you go along and you increase judgeships.

The distinguished gentleman from Texas said a while ago, "We are in favor of saving money, we are in favor of economy." If you would just begin to be in favor of economy, here is one chance to use it a little. If you still want the Congress to keep its hand lightly on a situation of this kind, here is a chance to do it. Let us not pass this legislation and make this judgeship permanent, because after you have done that you will never recall it, never in your generation or mine.

With all due regard for the gentleman who brought this bill to the floor of the House, and I have the very highest regard for him, at a time when we have so much important legislation to be considered, and have taken the afternoon for it, just to say that this position should be made permanent—I say that the judge has his job permanently now, as long as he lives; but you want to have it so that not only this man can have the position but that judges can follow him from now on to eternity, as far as that is concerned. Let us not do it.

One thing more, I believe this bill creates another judicial district. In doing so, it creates other positions so that you not only have added a charge of $10,000 annually for the salary of the court, but additional expenses to the extent of probably $25,000 or $30,000 annually. Mind you, it is not the taxpayers of the judicial district in Tennessee that pay this bill. It is the taxapyers throughout the country that will have to take care of it. Mr. Speaker, this is not a political question at all. It is just a question of using your good, hard common sense. I don't think the argument this afternoon has shown the necessity for making this court permanent and feel sure, too, that it has not shown the necessity of creating the additional expense. Let us have the courage of our convictions for once in our lives, and either recommit this bill or kill it, because you are not hurting anything, and at the same time you might do the country some little spark of good. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, we are now considering the proposition to make permanent a judge who was put in there because of temporary conditions. Now, there is not any very great overload of work which is required to be done there. The work is being cleaned up reasonably and it is not fair that we should go ahead and provide more judges for the population in Tennessee on a permanent basis than almost anywhere else in the United States. There is not going to be any more litigation there after these condemnation proceedings that they might have had in the last 4 or 5 years are ended and after the people have been paid off in connection with these various matters. There will not be any more litigation there than there is in other places in the country. As a matter of fact, the farm population of the State has dropped as a result of Government operations down there, and, while the population may have increased in some other respects, the Federal activities will show a continuous decrease, and therefore we should not go ahead and make this job permanent at a time when there is no justification for doing so.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. KEFAUVER. If the gentleman will examine the various reports of the Attorney General, he will see that during the course of the years this district in Tennessee has had about twice the amount of criminal actions than the average district in the United States.

Mr. TABER. Why should it have twice as many? What kind of cases are they—moonshine cases?

Mr. KEFAUVER. Various sorts of criminal cases, and I may say to the gentleman that there is a great amount of Federal property in connection with the T. V. A. and if you do anything in connection with that property that is unlawful, that is a Federal offense and that is one reason for the great number of criminal cases; and, of course, that property will continue to be there and will continue to be owned by the Federal Government and the situation will continue in that way.

Mr. TABER. Yes; but nine-tenths of the civil cases that are involved, which have taken considerable time, are temporary cases. There will not be the condemnation proceedings and all that sort of thing and those are the things that take time. These petty criminal cases are almost of the police court variety and they are shoved onto the United States court as a result of statutes that have been passed in the last few years and they will not take a great amount of time. They will be cleaned up pretty rapidly just as they are in other parts of the country and we will not have any overload and there will not be anything for these folks to do as soon as the overload resulting from the T. V. A. is cleaned up.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. PATRICK. Is the gentleman on the Judiciary Committee?

Mr. TABER. Oh, no.

Mr. PATRICK. Did the gentleman attend the hearings on this measure?

Mr. TABER. Oh, no; but I have been over the Attorney General's report and I have found that the overload of cases is not more than it is in most places where there is considerable business. It is not anywhere near as heavy as it is in Texas and it is not near as heavy as it is in New York and it is not as heavy as it is in Illinois. When we come to consider the civil cases that the Government has been involved in and that are going to be cleaned up, we can be assured that that will be the end of the story. We have provided a temporary judgeship there to take care of a temporary situation, one which we know is going to be temporary and which is going to be cleaned up, and when it is cleaned up there why should we have a permanent proposition on our hands? That is the issue for the House to decide. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I yield 7 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I think we all thoroughly understand by this time that the bill creating the office of this so-called roving judge has accomplished its purpose. Now it is attempted here by this bill to freeze that office or to rivet it upon the people.

It has been said here that there has been a growth of industry and an increase of litigation down there at Chattanooga and in that eastern section of Tennessee. I say to you as a lawyer who has practiced in east Tennessee all my life that there is a decrease in litigation all over east Tennessee and in all its courts, and that is due to the fact that industrial accidents which formerly either rested upon the common law or the violation of some statutory regulation resulting in death or personal injury to employees, have been supplanted by our workmen's compensation statutes, which are universal in all States, and that has largely reduced the volume of contested litigation, and, as has just been observed, the great volume of litigation in a Federal district court consists of minor infractions, like a violation of the liquor laws, and for the most part the poor fellows who get into that sort of trouble are guilty, and they catch them with the goods on them or with the stuff still on their overalls, and they have

sense enough to come in and submit themselves to the mercy of the court.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. KEFAUVER. May I ask the gentleman if he has examined the Attorney General's reports and if they do not show over a course of years that there has been a gradual and a steady increase in the number of cases?

Mr. JENNINGS. My colleague from Tennessee, Mr. KEFAUVER, I do not want to spread all over the United States; I want to shoot at the bull's-eye. We shoot at the mark down in Tennessee.

Mr. KEFAUVER. That is just it.

Mr. JENNINGS. I do not want to argue with you, my good friend; I want to tell you what this bill is. I am not undertaking to talk about the whole United States; I am restricting myself to the operation of this bill.

Nowhere does the Attorney General urge the passage of this bill, but he says in his letter, "I haven't any present objection to it." But he does say this:

> The second sentence of section 2 (a) of the proposed amendment contains a provision that for the purpose of determining jurisdiction and venue, the southern division of the eastern and the western division of the middle districts—
>
> That is the district that this judge will preside over—
>
> shall be considered a separate and distinct judicial district.

They are putting the camel's head under the tent, and the purpose is to get the animal under the tent and have another judicial district in Tennessee.

Mr. REES of Kansas. Will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. REES of Kansas. Is not this the fact, that if there is a new district created, in place of the statement made about $10,000 salary, would it not create an additional expense of $6,500?

Mr. JENNINGS. Oh, yes. There would be a district attorney, assistant district attorney, United States marshal, deputy United States marshal, probation officer, clerk and deputy clerks, and that is what they want—more patronage.

Mr. KEFAUVER. Will the gentleman yield?

Mr. JENNINGS. Yes; I yield.

Mr. KEFAUVER. The gentleman has referred to some language in the letter of the Attorney General. That was eliminated from the proposed amendment?

Mr. JENNINGS. Now, let me go back to the real purpose of this bill. It is stated in all seriousness—and I want to examine the logic that is back of this proposal to freeze this temporary judgeship into a permanent judgeship—it has been said here by an able Member of this House that if this roving judge down there should be localized and confined to the precincts of those 17 counties comprising this new district, so to speak, that his mind could not properly function, and that his judicial processes would be interfered with, and that there would be sand in the bearings and water in the gasoline if he could not appoint and control the deputy clerk of that court. Did you ever hear of such logic as that, that the judge's consideration and weighing of evidence and the application of principles of law thereto would be impeded and interfered with if he did not have the right to name the deputy clerk of the court over which he presided? That is the kind of argument that is made, that this judge will be worried and his deliberations will be interfered with if he cannot name that deputy clerk. Now, that is a lot of money to pay on the part of the people to give the judge the right to name the deputy clerk. It may be that under this language he is given the right to name a referee. Now, can we afford to put that sort of a burden upon the taxpayers, all the people of this country, just to give a judge in Tennessee the right to name a referee and a deputy clerk?

Mr. LEWIS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. LEWIS of Ohio. I would ask the gentleman whether or not in the State of Tennessee in the State courts the clerk is not elected by the people?

Mr. JENNINGS. Oh, yes. In the State court he is elected by the people, but the clerk of the Federal court is appointed by the judge.

Mr. LEWIS of Ohio. Does the gentleman think that the fact that the State court clerks are elected by the people and not chosen by the judge interferes with the deliberations of the judge?

Mr. JENNINGS. Oh, no. That was just so farfetched that it seemed to me the weightiest reason advanced for the idea of freezing this temporary judgeship into a permanent judgeship and creating a new district, that it just appealed to my sense of the ludicrousness of things, and that is why I stressed it. [Laughter and applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I have only 2 minutes remaining and I yield that to the gentleman from Alabama [Mr. HOBBS].

Mr. KEFAUVER. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. HOBBS].

The CHAIRMAN. The gentleman from Alabama [Mr. HOBBS] is recognized for 6 minutes.

Mr. HOBBS. Mr. Chairman, one of the funniest things in the whole world of humor is when any Republican is about to be separated from a piece of patronage. No matter how little claim of right he may have, all Republicans condemn the deprivation as an outrage. They squirm into that holier-than-thou attitude, and insist that anyone who gives a thought to political pie is vile—quite beneath their celestial notice.

Mr. JENNINGS. Will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the distinguished gentleman from Tennessee.

Mr. JENNINGS. Then do you mean by that statement to admit that the sole purpose of this bill affecting the judiciary of this Nation is to take a piece of candy away from a Republican officeholder and give it to a Democrat?

Mr. HOBBS. I would not hesitate to admit it for the sake of the argument, although it is only half true. When you charge it, even if thereby you falsify the record to some extent, I am willing to accept your challenge. If you Republicans had any sense of justice or fair play, you would not insist upon the obnoxious practice of forcing a Republican appointee of a Republican judge living in a distant city into the official family of a Democratic judge in a Democratic city.

The eternal fitness of things should make taboo the forcing of a Democratic appointee of a Democratic judge in Chattanooga into the staff of a Republican judge in Knoxville. No more should you, because of the accident of having a Republican judge up there in Knoxville, seek to intrude Republican appointees of the Knoxville judge to strut before self-respecting, God-fearing people of a decent Democratic city at Chattanooga. [Laughter and applause.]

I was not born or raised in Tennessee, but I know a little bit about it. I cast my first vote in Tennessee for the Honorable Joseph W. Byrns, late distinguished and beloved Speaker of this House. [Applause.]

I went to school there and I know how University of Tennessee men hate the intestinal investiture of Vanderbilt. That great State university that has lately developed some prowess on the gridiron, is at Knoxville. As Tennessee hates Vanderbilt, so Knoxville hates Chattanooga, and with far less cause.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am happy to yield to the distinguished gentleman from New York.

Mr. ANDREWS. I was wondering if the real reason for wanting this bill passed now was not because there is a possibility of a change in administration?

Mr. HOBBS. Why, sir, if we were so utterly foolish as to indulge that false assumption for one moment, we ought to be committed to a lunatic asylum for imbecilic doodles! Such a suggestion is subhuman. You Republicans have no more chance than a snake has hips, and you know it; and you know that that little Philadelphia snowball is dwindling every moment. It will be relegated to the limbo of forgotten follies

in November just as your sunflowers died in the same month of 1936.

But I refuse to be led aside into a discussion of political issues, as much as I would love to accommodate the gentleman.

Our good friend, the gentleman from Minnesota [Mr. KNUTSON], comes here, and the first thing he does is to ignore the Constitution and say that we are trying to pass this bill to take care of some "lame duck" Democratic Members who are going to be defeated, when he knows, in those moments when his mind is at equipoise without the overweaning influence of political considerations [laughter], that the Constitution of the United States provides unequivocally that no sitting Member can be appointed to a judgeship created during his term of office. He also ignores the facts. The judge this bill domiciles in Chattanooga lives there and is already a judge. When he says that this would cost from $15,000 to $20,000 a year forever, he again forgets the facts. There is not a word in this bill to substantiate such a contention; at most it is a remote contingency a lifetime hence.

Much has been said about the fact that the gentleman from Texas, Judge SUMNERS, was opposed to the original bill. We all know the real reason the distinguished gentleman from Texas, our honored and beloved chairman of the Judiciary Committee, was against it. He had an idea born in his mind, sired by an innate prejudice against the creation of any new districts anywhere, and mothered by economy. When the gentleman from Texas, HATTON SUMNERS, came to Congress 26 years ago, more or less, he went back home after his first session, and the panhandler who took his bags—they did not have redcaps in those days—said: "Howdy, Mr. Hatton. Ah sho is glad you is back. You have done gone off and got to be a great man. We sho is proud to have you back home. You ain't got a quarter you could give an old nigger, is you?"

The gentleman from Texas, Judge SUMNERS, very much flattered, coming home from his first term, immediately started to fish around in his pockets. The search continued till every pocket had been explored. "I declare, Jim, I did have a quarter; but I cannot find it now."

Jim replied: "Mr. Hatton, please look again, 'cause if you had it, you still got it." [Laughter and applause.]

That is the real reason why the gentleman from Texas, HATTON SUMNERS, opposed this bill in its original form—it would have cost some money. But we have now remodeled it, streamlined it. It does not spend a thin, slick dime now.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield there?

Mr. HOBBS. Yes, sir; I am happy to yield to the distinguished gentleman from Iowa.

Mr. GWYNNE. Would the gentleman streamline it further? Would the gentleman support an amendment which would strike out that part of the bill which makes this temporary judgeship permanent?

Mr. HOBBS. No, sir; I would not. I am for the pending substitute for the original bill, just as your committee and mine reported it out.

It will correct the persisting wrong at which it is aimed. There should be no hesitation in curing that evil, and I favor a permanent cure. [Applause.]

When you Republicans give Democrats the power to name the secretaries to work in your congressional offices, I might vote with you to keep a Republican empowered to name the staff of a Democratic judge. We do not wish any such inequitable power, nor should we or you have it. But until you make such an offer I shall never, no, never, consider voting with you on any such issue.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Alabama has expired, all time has expired.

The Clerk read as follows:

Be it enacted, etc., That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into four districts, to be known as the eastern, mountain, middle, and western districts of Tennessee.

"(b) The eastern district shall include two divisions, constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington; and the western division, which shall include the territory embraced on such date in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union.

"(c) Terms of the district court for the eastern division of said district shall be held at Greeneville on the first Monday in March and the third Monday in September; and for the western division at Knoxville on the fourth Monday in May and the first Monday in December.

"(d) The mountain district shall include the territory embraced on January 1, 1937, in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, to be known as the Chattanooga division; and the Winchester division, which shall include the territory embraced on such date in the counties of Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren.

"(e) Terms of the district court for the said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November, and at Winchester on the first Monday in March and the first Monday in October.

"(f) The middle district shall include three divisions, constituted as follows: The northeastern or Cookeville division, which shall include the territory embraced on January 1, 1937, in the counties of Clay, Cumberland, Fentress, De Kalb, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White; the Columbia division, which shall include the territory embraced on such date in the counties of Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, and Wayne; and the Nashville division, which shall include the territory embraced on such date in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson.

"(g) Terms of the district court for the northeastern division of said district shall be held in Cookeville on the third Monday in April and the first Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the Nashville division at Nashville on the second Monday in March and the fourth Monday in September: *Provided*, That suitable accommodations for holding the courts at Cookeville and Winchester shall be provided by the local authorities without expense to the United States: *And provided further*, That witnesses attending court shall be paid mileage for the shortest and most direct route from the home of the witness.

"(h) The western district shall include two divisions constituted as follows: The eastern division, which shall include the territory embraced on January 1, 1937, in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, and Weakley, and the waters of the Tennessee River to the low-water mark on the eastern shore thereof wherever such river forms the boundary line between the middle and western districts of Tennessee, from the north line of the State of Alabama, north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of said river; and the western division, which shall include the territory embraced on such date in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton.

"(i) Terms of the district court for the eastern division of said district shall be held at Jackson on the fourth Monday in March and the fourth Monday in September; and for the western division at Memphis on the first Monday in April and the first Monday in October.

"(j) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville and at Greeneville. The clerk of the court and the marshal for the western district shall each appoint a deputy, both of whom shall reside at Jackson. The offices so maintained shall be kept open at all times for transaction of business of the court."

SEC. 2. (a) The district judges for the eastern, middle, and western districts of Tennessee in office immediately prior to enactment of this act shall be the district judges for such districts, as constituted by this act; and the district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be, during the remainder of their present terms of office, the district attorneys and marshals for such districts, as constituted by this act.

(b) The district judge appointed under authority of the act approved May 31, 1938 (Public, No. 555, 75th Cong., 52 Stat. L. 584), for the eastern and middle districts of Tennessee shall be the judge of the District Court for the Mountain District of Tennessee and hold court in Chattanooga and Winchester. The President is authorized to appoint, by and with the advice and consent of the Senate, a marshal and district attorney for said mountain district. The said district judge for said mountain district shall have the same right to appoint a clerk and other court officials in his district that other judges in the other districts of Tennessee now have, and the clerk of the court of said mountain district shall maintain an office in charge of himself or a deputy at Chattanooga and at Winchester.

SEC. 3. All provisions of law inconsistent with the provisions of this act are hereby repealed.

Mr. KEFAUVER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. KEFAUVER: Page 1, strike out all after the enacting clause and insert the following:

"That section 107 of the Judicial Code, as amended, is amended to read as follows:

"'SEC. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

"'(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"'(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"'(d) The western district shall include the territory embraced on the 1st day of January 1940 in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in April and October; and for the eastern division at Jackson on the fourth Mondays in March and September. An office of the clerk, in charge of the clerk or a deputy, shall be maintained at Memphis and Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. An office of the clerk of the court for the eastern district shall be maintained, in charge of the clerk or a deputy, at Knoxville, at Chattanooga, and at Greeneville.

"'(e) The district judge for the eastern district of Tennessee in office on the date of the enactment of this act shall hold regular and special terms of court at Knoxville and Greeneville. The said district judge shall have the power of appointment and removal of all officers and employees of the court in said district, except as herein otherwise provided, whose appointment is vested by law in a district judge or senior district judge.

"'(f) The district judge for the eastern and middle districts of Tennessee, appointed under the authority of the act approvad May 31, 1938 (52 Stat. 584), whose official residence shall be at Chattanooga, shall be an additional district judge for the eastern district of Tennessee as constituted by this act and shall hold regular and special terms of court at Winchester and Chattanooga. The said judge shall possess the same powers, perform the same duties, and receive the some compensation as other district judges. The said district judge shall have the power of appointment and removal of all those officers and employees of the court for the eastern district of Tennessee whose official headquarters are located in the Winchester division and in the southern division of the eastern district of Tennessee and whose appointment is vested by law in a district judge or a senior district judge. The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions. The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this act shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this act.

"'(g) The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this act and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville.

"'(h) The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson.'

"SEC. 2. All provisions of law inconsistent with the provisions of this act are hereby repealed."

Mr. KEFAUVER. Mr. Chairman, the amendment that has been offered takes the Winchester division of the central or middle district of Tennessee, some seven counties, I believe, and places it in the eastern district of Tennessee; then the roving judge, who has already been appointed, and who is already down there, is made a district judge of the eastern district of Tennessee. He is given primary jurisdiction to hold court at Chattanooga and Winchester and he is placed in charge of the docket at those two places. He will be the junior judge in the eastern district of Tennessee.

The senior judge will retain control over everything of a district-wide nature. The junior judge, who will have charge of the Chattanooga and Winchester dockets, will have charge of those employees and officers serving his courts who do not have district-wide authority, and he will have the right of their appointment. This does not include the deputy clerk, as the deputy clerk is appointed by the district clerk and he is responsible to the district clerk.

The quarters are already provided. No new quarters are necessary, no new officers are necessary, no new employees, and there is no additional expense involved. This is a committee amendment which has been passed by the Committee on the Judiciary, and it is submitted as a committee amendment.

Mr. GWYNNE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. GWYNNE to the committee amendment: On page 6, line 1, after the period in line 1, strike out the next sentence.

Mr. GWYNNE. Mr. Chairman, I will not make any further statement than I have already made on this bill in general debate. The purpose of my amendment is to strike out that part of the committee amendment which makes this temporary judgeship permanent, and this, in my opinion, is the real objection to the bill.

If we intend to follow the policy that we have heretofore adopted, and a policy which I think will mean a lot for the judiciary of the country, I see no reason why we should not adopt this amendment and let this temporary judgeship remain temporary until some situation arises which might then lead the Congress to a different conclusion. I trust this amendment will be adopted.

Mr. JOHNS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I made a statement here this afternoon that when these judgeships were created there was no limitation placed on the judgeships, except the one down in Tennessee. I have since that time obtained a copy of Public, No. 555,

which is of course the present bill. I find this language, which I quoted to you this afternoon, under subsection (f):

One district judge for each of the following combinations of districts: Eastern and western districts of Arkansas, eastern and middle districts of Tennessee: *Provided*, That no successor shall be appointed to be judge for the eastern and middle districts of Tennessee.

I am satisfied in my own mind that when Congress created these judgeships it had in mind this judge would only be a roving judge, temporarily appointed, and he would never be made permanent. Here is a State with a population of 3,000,000, as stated this afternoon. They had these districts at that time and there was no use of creating as many districts in Tennessee as there is in a State like New York or in a State as large as Texas. What the Congress is doing today, if it passes this bill, is to create a permanent judgeship here when Congress never had in mind that one should be so created.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I do not care to discuss the amendment to the amendment. The matter has been discussed fully on the floor of the House. May I say that this additional judgeship was found necessary years ago. The section has grown very rapidly and the judges have more to do than they have in the average district throughout the United States. I do not think there is any merit in the amendment to the committee amendment offered by the gentleman from Iowa [Mr. GWYNNE].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to the Committee amendment.

The question was taken; and on a division (demanded by Mr. HANCOCK), there were—ayes 74, noes 79.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Tennessee.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RAMSPECK, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, pursuant to House Resolution 530, he reported the same back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HANCOCK. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 122, answered "present" 1, not voting 153, as follows:

[Roll No. 203]

YEAS—153

Allen, La.	Byrns, Tenn.	Cullen	Fries
Anderson, Mo.	Camp	D'Alesandro	Gathings
Barnes	Cannon, Fla.	Davis	Geyer, Calif.
Barry	Cannon, Mo.	Dickstein	Gore
Beckworth	Cartwright	Dingell	Gossett
Bell	Casey, Mass.	Disney	Grant, Ala.
Bloom	Claypool	Doughton	Gregory
Boehne	Cochran	Duncan	Griffith
Boland	Coffee, Nebr.	Dunn	Harrington
Boren	Cooper	Durham	Harter, Ohio
Boykin	Costello	Eberharter	Havenner
Brooks	Courtney	Edelstein	Healey
Brown, Ga.	Creal	Edmiston	Hendricks
Bryson	Crosser	Evans	Hennings
Buckler, Minn.	Crowe	Flannagan	Hill
Hobbs	McAndrews	Patton	Somers, N. Y.
Hook	McArdle	Pearson	South
Houston	McCormack	Peterson, Fla.	Sparkman
Hunter	McGranery	Peterson, Ga.	Spence
Izac	McKeough	Poage	Steagall
Jacobsen	McLaughlin	Rabaut	Sumners, Tex.
Jarman	Magnuson	Ramspeck	Sutphin
Johnson, LutherA.	Mahon	Rankin	Tarver
Johnson, Lyndon	Maloney	Rayburn	Tenerowicz
Johnson, Okla.	May	Robinson, Utah	Terry
Johnson, W. Va.	Mills, Ark.	Romjue	Thomas, Tex.
Kefauver	Mills, La.	Sabath	Thomason
Keller	Monroney	Sasscer	Vincent, Ky.
Kennedy, Martin	Murdock, Ariz.	Satterfield	Voorhis, Calif.
Kennedy, Md.	Myers	Schulte	Walter
Keogh	Norrell	Schwert	Weaver
Kleberg	O'Connor	Scrugham	West
Kocialkowski	O'Day	Secrest	Whelchel
Lanham	O'Leary	Shanley	Whittington
Lea	O'Neal	Shannon	Williams, Mo.
Leavy	O'Toole	Smith, Conn.	Zimmerman
Lesinski	Pace	Smith, Va.	
Lewis, Colo.	Patman	Smith, Wash.	
Lynch	Patrick	Smith, W. Va.	

NAYS—122

Alexander	Gamble	Jonkman	Rich
Allen, Ill.	Gartner	Kean	Rockefeller
Andersen, H. Carl	Gearhart	Keefe	Rodgers, Pa.
Anderson, Calif.	Gehrmann	Kinzer	Rogers, Mass.
Andrews	Gerlach	Knutson	Rutherford
Angell	Gilchrist	Kunkel	Schafer, Wis.
Arends	Gillie	Landis	Seccombe
Austin	Goodwin	LeCompte	Short
Ball	Graham	Lewis, Ohio	Smith, Maine
Bender	Grant, Ind.	Ludlow	Smith, Ohio
Blackney	Gross	McDowell	Springer
Bolles	Gwynne	McGregor	Stearns, N. H.
Bradley, Mich.	Hall, Leonard W.	McLean	Stefan
Brown, Ohio	Halleck	Maas	Sumner, Ill.
Carlson	Hancock	Marshall	Sweet
Chiperfield	Harter, N. Y.	Martin, Iowa	Taber
Church	Hawks	Michener	Talle
Clason	Hess	Monkiewicz	Thill
Clevenger	Hinshaw	Moser	Thorkelson
Cole, N. Y.	Hoffman	Mott	Tibbott
Crawford	Holmes	Mundt	Tinkham
Crowther	Horton	Murray	Van Zandt
Curtis	Hull	O'Brien	Vorys, Ohio
Dondero	Jarrett	Oliver	Williams, Del.
Dworshak	Jenkins, Ohio	Osmers	Wolcott
Eaton	Jenks, N. H.	Pittenger	Wolfenden, Pa.
Elston	Jennings	Plumley	Wolverton, N. J.
Engel	Jensen	Powers	Woodruff, Mich.
Fenton	Johns	Reed, Ill.	Youngdahl
Fish	Johnson, Ill.	Reed, N. Y.	
Ford, Leland M.	Jones, Ohio	Rees, Kans.	

ANSWERED "PRESENT"—1

Kilday

NOT VOTING—153

Allen, Pa.	Darrow	Kelly	Robsion, Ky.
Andresen, A. H.	Delaney	Kennedy, Michael	Rogers, Okla.
Arnold	Dempsey	Kerr	Routzohn
Barden, N. C.	DeRouen	Kilburn	Ryan
Barton, N. Y.	Dies	Kirwan	Sacks
Bates, Ky.	Dirksen	Kitchens	Sandager
Bates, Mass.	Ditter	Kramer	Schaefer, Ill.
Beam	Douglas	Lambertson	Schiffler
Bland	Doxey	Larrabee	Schuetz
Bolton	Drewry	Lemke	Shafer, Mich.
Bradley, Pa.	Elliott	Luce	Sheppard
Brewster	Ellis	McGehee	Sheridan
Buck	Englebright	McLeod	Simpson
Buckley, N. Y.	Faddis	McMillan, Clara	Smith, Ill.
Bulwinkle	Fay	McMillan, John L.	Snyder
Burch	Ferguson	Maciejewski	Starnes, Ala.
Burdick	Fernandez	Mansfield	Sullivan
Burgin	Fitzpatrick	Marcantonio	Sweeney
Byrne, N. Y.	Flaherty	Martin, Ill.	Taylor
Byron	Flannery	Martin, Mass.	Thomas, N. J.
Caldwell	Folger	Mason	Tolan
Carter	Ford, Miss.	Massingale	Treadway
Case, S. Dak.	Ford, Thomas F.	Merritt	Vinson, Ga.
Celler	Fulmer	Miller	Vreeland
Chapman	Garrett	Mitchell	Wadsworth
Clark	Gavagan	Mouton	Wallgren
Cluett	Gifford	Murdock, Utah	Ward
Coffee, Wash.	Green	Nelson	Warren
Cole, Md.	Guyer, Kans.	Nichols	Welch
Collins	Hall, Edwin A.	Norton	Wheat
Colmer	Hare	Parsons	White, Idaho
Connery	Harness	Pfeifer	White, Ohio
Cooley	Hart	Pierce	Wigglesworth
Corbett	Hartley	Polk	Winter
Cox	Hope	Randolph	Wood
Cravens	Jeffries	Reece, Tenn.	Woodrum, Va.
Culkin	Johnson, Ind.	Richards	
Cummings	Jones, Tex.	Risk	
Darden, Va.	Kee	Robertson	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Illinois (for) with Mr. Simpson (against).
Mr. Arnold (for) with Mr. Miller (against).
Mr. Ford of Mississippi (for) with Mr. Luce (against).
Mr. Doxey (for) with Mr. Thomas of New Jersey (against).
Mr. Collins (for) with Mr. Bates of Massachusetts (against).
Mr. Pfeifer (for) with Mr. Wigglesworth (against).
Mrs. Clara G. McMillan (for) with Mr. Cluett (against).
Mr. Barden of North Carolina (for) with Mr. Kilburn (against).
Mr. Nelson (for) with Mr. Reece of Tennessee (against).
Mr. Bulwinkle (for) with Mr. Polk (against).
Mr. Clark (for) with Mr. Dirksen (against).
Mr. Mouton (for) with Mr. McLeod (against).
Mr. Fay (for) with Mr. Culkin (against).
Mr. Cooley (for) with Mrs. Bolton (against).
Mr. Gavagan (for) with Mr. Routzohn (against).
Mr. Michael J. Kennedy (for) with Mr. Corbett (against).
Mr. Warren (for) with Mr. Gifford (against).
Mr. Sullivan (for) with Mr. Edwin A. Hall (against).
Mr. Richards (for) with Mr. Guyer of Kansas (against).
Mr. Starnes of Alabama (for) with Mr. Jeffries (against).
Mr. Murdock of Utah (for) with Mr. Hope (against).
Mr. McGehee (for) with Mr. Johnson of Indiana (against).
Mr. Schaefer of Illinois (for) with Mr. Lamberton (against).
Mr. Randolph (for) with Mr. Treadway (against).
Mr. Kelly (for) with Mr. Vreeland (against).
Mr. Kilday (for) with Mr. Harness (against).
Mr. Coffee of Washington (for) with Mr. August H. Andresen (against).
Mr. Vinson of Georgia (for) with Mr. Barton of New York (against).
Mr. Byron (for) with Mr. Case of South Dakota (against).
Mr. Ellis (for) with Mr. Ditter (against).
Mr. Cravens (for) with Mr. Hartley (against).
Mr. Colmer (for) with Mr. Schiffler (against).
Mr. Parsons (for) with Mr. Douglas (against).
Mr. Kramer (for) with Mr. Wheat (against).

General pairs:

Mr. Cox with Mr. Englebright.
Mr. Darden of Virginia with Mr. Mason.
Mr. Drewry with Mr. Martin of Massachusetts.
Mr. Cole of Maryland with Mr. Robsion of Kentucky.
Mr. Mansfield with Mr. Welch.

Mr. KILDAY. Mr. Speaker, on this vote I voted "yea". I have a pair with the gentleman from Indiana [Mr. HARNESS], who would vote "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes."

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an extract from my statement on the Burke-Wadsworth bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Northwestern Lutheran.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, twice, last week and this week, I had permission to address the House for 10 minutes. On each of those days there was no legislation. I ask unanimous consent that on Wednesday of next week, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, in view of the fact that tomorrow the tax bill is coming up, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement on the tax bill signed by myself and seven colleagues.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. GEYER of California asked and was given permission to extend his own remarks in the RECORD.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Fraternal Order of Eagles, with a resolution. Secondly, I ask unanimous consent to extend my own remarks and include therein a letter from the Walnut Growers of California, with certain inclusions, including short tables.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SNYDER, for the rest of this week, on account of the death of his brother.

To Mrs. MCMILLAN, for the balance of this week, on account of illness in family.

ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute to ask the majority leader a question.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. What is the program for tomorrow and Friday?

Mr. RAYBURN. Tomorrow the tax bill only and on Friday the so-called wool labeling bill, and that will be all for this week.

Mr. MICHENER. And we will then adjourn until Tuesday?

Mr. RAYBURN. Until Tuesday; yes.

The SPEAKER. Under the previous order of the House the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. THILL. Mr. Speaker, will the gentleman yield me 30 seconds?

Mr. HOFFMAN. I yield.

Mr. THILL. Mr. Speaker, Sir George Paish, British economist, has recently admitted that he would carry on British propaganda activities in this country. His speaking tour was planned for the purpose of dragging this country into war. There is no more despicable activity than that carried on by Nazi, Fascist, Communist, and British war propagandists who, by fair means or foul, carry on their nefarious business.

Hundreds of alien agents are registered with the State Department and this country is making no strenuous effort to check up on their activities. I propose that immediate steps be taken by Congress to investigate war propagandists in this country and enact legislation to deport them. Nazism, fascism, communism, and British imperialism are foreign to Americanism and these foreign "isms" should not be tolerated in our country. [Applause.]

SENATE DECLARES DICTATORSHIP

Mr. HOFFMAN. Mr. Speaker, Wednesday, the 28th day of August, today, should long be remembered by those of us who have the privilege of being in Congress, for today it was that the Senate declared the provisions of the Constitution should no longer prevail in this land of ours and that we should have a dictatorship. That conscription bill you have heard about was under consideration over there and this amendment was proposed and adopted:

The first and second provisos in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is amended to read as follows—

This is the amendment:

Provided, That whenever the Secretary of War or the Secretary of the Navy determines that any existing manufacturing plant or facility is necessary for the national defense and is unable to arrive at an agreement with the owner of such plant or facility for its use or operation by the War Department or the Navy Depart-

ment, as the case may be, the Secretary, under the direction of the President, is authorized to institute condemnation proceedings with respect to such plant or facility and to acquire it under the provisions of the act of February 26, 1931 (46 Stat. 1421), except that, upon the filing of a declaration of taking in accordance with the provisions of such act, the Secretary may take immediate possession of such plant or facility and operate it either by Government personnel or by contract with private firms, pending the determination of the issue: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. GEYER of California. I am personally opposed to the conscription bill; but does not the gentleman believe that if we do that with respect to manpower, there is no good reason why we should not also conscript material wealth? Would the gentleman mind elaborating on that?

Mr. HOFFMAN. Of course, we have had conscription of a sort. We have had conscription of property for the last 3 or 4 years in a modified form; but this amendment adopted by the Senate takes property right now without any act on the part of the Congress, without any act on the part of the court. Out of the window goes that provision of the Constitution which declares that the property of the citizen shall not be taken from him without due process. Now, I am sure the gentleman from California realizes that within the last 3 or 4 years we have been appropriating money here, you know, for relief.

No one, or very few anyway, felt free to vote against relief bills because when they did they were charged with being—well, lacking in charity and kindness and all that, and so in a way, by force of public opinion, many were forced to part with property, through taxation, and that was a sort of conscription, do you see? Then you know that money, instead of being used for relief, was used to buy votes.

Now, the administration realizes that the people are on to this spending program and this wasting of money, this spending to save, to create prosperity, those foolish ideas that have not gotten us anywhere, and so the New Deal must have a new issue. In order to be reelected to a third term the President must have a war and with his war he has to have all of the—well, you might say appurtenances or the window dressing that goes with a war.

He not only has been talking about war, not only giving offense to foreign nations by what he said and did, but he has been putting on the stage here in America all of the trappings of a war; he has been whipping up a war spirit. To distract attention from his record of incompetency in domestic affairs he had to create that feeling of fear, of hate, of revenge against Hitler. He had to hold before the people a picture of how close this war was to us and with it he had his demand for billions of dollars which we were forced to vote for, because we could not take the chance of a foreign invasion which he might bring on. He had frightened us half to death, or he had frightened many of the people so that they were after us to vote this money for defense. And we voted it. That was one of the little shows that he brought out on the platform with him when he crowded himself onto the stage of world affairs, and fit companion is he of Hitler and Mussolini.

Then he came along with this conscription bill. Going to take the youth. Now, I am getting to your proposition. Weeks ago—I think I put it in the RECORD, but I know I put it out in the district—my idea of that was that if we are to conscript the youth of the land, if we are to take young men between 21 and 31 and force them to fight away down in South America so that Roosevelt can be our third-term President, if we are going to do that, then let us let the tail go with the hide, as they say out in the country, and conscript property, too. Now, I ask you, do you agree with me? Do you approve of this last paragraph which says that notwithstanding any of the acts of Congress, notwithstanding any laws we have passed on conscription of property and men, that employee standards should remain the same? Do you?

Mr. GEYER of California. I will answer the gentleman like this——

Mr. HOFFMAN. Can you answer that "yes" or "no"?

Mr. GEYER of California. No.

Mr. HOFFMAN. All right.

Mr. GEYER of California. I will say that if we agree the emergency is so great that it is necessary to take men, then we should take property, but I would like to take the property first before we take the men.

Mr. HOFFMAN. And divide it.

Mr. GEYER of California. No. You added that. I did not.

Mr. HOFFMAN. Now, I asked you a question and you did not answer. I asked you this: If there is an emergency which, of course, you assume there is, and you must have that assumption in your mind or you never could justify conscription, but if we are to have conscription of men and property, is there any reason why the men who work in factories should be exempt?

Mr. GEYER of California. No; I agree with you on that.

Mr. HOFFMAN. In my opinion, if you are going to take men to serve in South America or even here in America, when we are not at war, but certainly if there is a war, if you are going to take men for that purpose, is there any reason why you and I should sit here in Congress and draw $10,000 a year while those men serve for $30 a month? I will tell you what I favor: If you are going to have conscription, let us have it all down the line.

Mr. GEYER of California. I agree with you 100 percent.

Mr. HOFFMAN. Everyone?

Mr. HILL. Certainly.

Mr. HOFFMAN. Let us all ride on this platform of national defense.

Mr. HILL. But you spoke about dividing the wealth. Of course, we do not believe in that, but when you take a man to be a soldier, do you divide him up? Of course, you do not. You make him serve. That is what we want to do with wealth—to make it serve our country in its defense.

Mr. HOFFMAN. Are you willing to serve in the House for $30 a month and your board and clothing? I am.

Mr. HILL. Of course not, unless every big industrialist is forced to do the same and forego his excess profits.

Mr. HOFFMAN. Of course not. Why not? [Applause.] I note that after you answered "of course not" you added "unless every big industrialist is forced to do the same and forego his excess profits." I have no objection to the addition.

Mr. SCHAFER of Wisconsin. The gentleman should not worry, because an amendment which I intend to offer will be germane. The Col. Julius Ochs Adler New Deal compulsory military-service bill had a 65-year age limit and exempted Members of Congress from the draft. I propose to offer an amendment to specifically include all Members of Congress up to the age of 65 in the first draft, and let them serve in Uncle Sam's Army or Navy for $21 a month instead of $10,000 a year. This draft-wealth amendment incorporated by the Senate will not draft the wealth of Barney Baruch or the multimillionaire warmonger Roosevelts, or any of the warmonger international bankers who are furnishing the money for William Allen White to disseminate war-intervention propaganda.

Mr. HOFFMAN. At the risk of some repetition, let me get back now to the thought I had in mind when I began to speak.

There has been no declaration of war, and, though the administration has been steadily driving toward the involving of this country in war and though it has been guilty of many unneutral acts, Congress has not declared war. True, our Government, under the direction of the President, though not engaging in overt acts of war, has been taking part as an active belligerent by the furnishing of munitions of war. Nevertheless, though the administration has carried on as though we were at war, the people as a whole have assumed or at least they have not realized that we were engaged in war.

The conscription bill pending before the Senate is based upon the President's assumption that inevitably, sooner or

later, the United States must by armed forces become an active and aggressive participant in that war.

The President realizes only too well that the record of his incompetency, his waste, and his extravagance, the use of Federal power and money to sway the voters, has caught up with him. He realizes that his spending, his patronage, the powerful inducement which he and his supporters can hold out to the voters are not sufficient to re-elect him for a third term. He knows that only as he is successful in making the American people believe that they are in danger from an invasion by Hitler and in further convincing them that he is the only man competent to guide us through such an emergency can he hope for a re-election. Without a re-election his drive to do away with our constitutional form of government; to establish him as absolute ruler must fail; to accomplish his purpose a war or a fear of war is necessary. Hence, he not only engages in provocative acts and utterances, utterances and acts which would tantalize a far more patient man than Hitler into action, but he sets in motion here in the United States all of those activities which ordinarily accompany and are a part of a war.

On May 16, in his address to Congress, he pointed out that this country was in danger of invasion by Germany from Greenland, from the West Indies, from South America, and that St. Louis and Kansas City and Omaha were only 2¼ hours from what might be German bombing bases.

He followed that by a demand for something like $10,000,000,000 for national defense, and Congress yielding to his demands, gave him the money; then came the demand for the conscription of the youth of our land and for the placing under his authority of the National Guard. First disguised as a preparedness measure, it now has developed into a demand for the creation of a standing army of over a million men, with authority to use that force anywhere in the Western Hemisphere.

Today, apparently confident that he is firmly seated on a throne, with absolute power at his disposal, there went through the Senate the amendment to the conscription bill which I quoted, and by which the provision of the Constitution protecting the citizen in his right to property is abrogated, and the President is more securely seated on his throne in the White House.

Not long ago there was slipped through the House by subterfuge a somewhat similar amendment. That grant of power also went through the Senate but there was a promise made in the House that it would be repealed. But today the administration obtained passage by the Senate of the amendment I have quoted. That amendment gives the President of the United States, through the Secretary of War and through the Secretary of the Navy, the power and the authority to take over private property at discretion.

What is there left of constitutional liberty here in the United States when this bill as amended is once signed by the President? Men can be taken from their homes, from their businesses, and drafted into the United States Army. Thus in times of peace, the property of the individual can be taken from him at the President's discretion.

One thing the bill does do. Note the last sentence, it is this:

Provided, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant or facility.

Do you get the meaning of that; the youth of the land are to be taken from their homes and to be, at the President's discretion, sacrificed on the battlefields of the western continent; yes, anywhere in South America; but those who remain at home as employees in factories shall continue their work in places of safety at the same rate of pay under the same hours as though no emergency, no war, existed. Why this proviso—it was to secure the support of the so-called labor vote—that is, the organized labor vote—the vote of the men who are working in factories. In short, American manpower, American property is to be conscripted. The lives of draftees are to be endangered, the property of the homeowner is to be taken from him, but none of the President's social reforms, so-called, are to be disturbed. France met disaster under that theory. The administration is following the same road.

If men are to be conscripted in time of peace, and I intend to vote against peacetime conscription, I see no reason why a like sacrifice should not be demanded of property owners, those who remain at home in safety and in comparative comfort. And a like sacrifice of factory workers. Why not all get in the same boat?

A week ago I suggested that if loyal Americans were to be conscripted and required to serve for $30 a month and if the Communists and their "red" sympathizers and those of us who were not drafted were to remain at home, some drawing wages or salaries many times that of soldiers, we should make conscription universal and that doctors, lawyers, clerks, merchants, farm workers, should then submit to Federal regulations which would give to them clothing and shelter and $30 a month compensation during the duration of the emergency. In this classification I would include not only those mentioned but I would include Congressmen and Senators.

I would include every Federal official, the President of the United States and his wife, the Members of the Cabinet, the new dealers, and all of their communistic friends. Such a provision in the conscription law would quickly end the propaganda for war and conscription. If the need of our country is so great that we must again send an army across the seas, then let all who remain at home make not a like sacrifice for that would be impossible, but let them be required to do their part and undergo the same hardship and make the same sacrifices as near as may be to those made by the draftees.

If such a requirement was made there would be fewer votes for conscription, for involvement in the foreign entanglement against which Washington warned us. And out of the picture would go Roosevelt, his dream of a third term, his obsession of being ruler of the Western Hemisphere.

Mr. Speaker, there are others who want to speak now, and I yield back the balance of my time. [Applause.]

The SPEAKER pro tempore (Mr. GORE). Under the previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 15 minutes.

Mr. FISH. Mr. Speaker——

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield briefly.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks at the point where I answered the gentleman from Michigan, if I may.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, I do not know what the gentleman is going to insert.

Mr. HILL. I am going to explain that I have other expenses, just as the gentleman has; and, secondly, that I am willing to be taxed to the limit on my salary.

Mr. HOFFMAN. The gentleman will put them in at that place and give me a chance to see them?

Mr. HILL. Yes.

Mr. HOFFMAN. So I may revise what I said after that?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none, and it is so ordered.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I have taken this time most reluctantly at this late hour. I understand there will be no other chance to speak until after the end of next week, or within the next 10 days, and I want to answer certain charges that have been published in the press against the National Guard. Before I do so, however, I wish to refer very briefly to some remarks made by the majority leader, who tried to take the Republicans to task this morning by pointing out a conflict of opinion between Wendell Willkie and Senator MCNARY in their acceptance speeches.

I wonder what the majority leader would have to say about a statement that appeared in today's paper by Elliott Roosevelt, one of the sons of the President, who, in speaking about

our attitude toward Great Britain and what it should be, has this to say:

Your battle is our battle. If you need 10,000 planes and 20,000 pilots you can have them. If you need 100 destroyers we will build them for you.

I wonder if there is any conflict between the opinions of Elliott Roosevelt, the son of the President, and the President of the United States? I am reminded of the Biblical saying—

The voice is Jacob's voice, but the hands are the hands of Esau.

I am inclined to believe that the hands are the hands of Elliott Roosevelt, but the voice is the voice of the President of the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. Mr. Elliott Roosevelt might be interested in selling the British airplanes. If the gentleman will come to my office I will take him down to a safety deposit box and show him the affidavit of Anthony H. S. Fokker before the Senate committee investigating the munitions industry on September 18, 1935, in which he testified that he, Mr. Fokker, was to receive $500,000 and Elliott Roosevelt $500,000 commission on the sale of 50 Lockheed-Douglas military airplanes to the Russian Communist butchers in Moscow. The commission for Elliott Roosevelt was excessive, Mr. Fokker stated in his affidavit, because Elliott Roosevelt said that he could hijack the United States Treasury through the Export-Import Bank and get the money for the purchase of the planes into the hands of the Russian purchasing commission and put sufficient pressure on the commission so that it would buy those planes. Mr. Elliott Roosevelt is no doubt speaking as an ace military airplane salesman.

Mr. FISH. I thank the gentleman for supplying the motive. I was not aware of the motive, but I am convinced that both the President and his son, Elliott, are of one mind on intervention and war.

Mr. SCHAFER of Wisconsin. Jimmy will no doubt insure the planes, as he did the "clipper" planes of the Pan American Airways, which received Government subsidies of millions of dollars from the New Deal. Many of the planes for the British mentioned by Elliott Roosevelt in the press article which the gentleman has referred to will no doubt be sold by Elliott, insured by Jimmy, and equipped with vanishing cream, beauty rest mattresses, and Sweetheart soap by Eleanor. [Applause.]

Mr. FISH. Mr. Speaker, an article appeared in the Washington Times-Herald of yesterday, an anonymous letter published upon the front page, supposed to be written by a member of the National Guard who had taken part in the war maneuvers held in the northern part of New York last week. This anonymous letter makes certain specific charges against the guard and the failure of the guard in those maneuvers.

I happened to have attended those maneuvers in my capacity as a colonel in the Reserves, and also as an observer and liaison officer directly for Lt. Gen. Hugh A. Drum. I believe those maneuvers demonstrated the highest kind of morale and spirit among the officers and men. The maneuvers themselves were a great success from every point of view. These charges that have been made by this unknown guardsman in my opinion are utterly unwarranted, absolutely false, and I believe deliberately malicious. He goes on to say that something like three-quarters of his outfit were sick with ptomaine poisoning. The record shows, and we can only go by the record, that sickness in that maneuver consisting of 100,000 men of the National Guard, Regular Army and Reserve officers was less than one-half of 1 percent, whereas the average sickness in maneuvers of this kind runs around 2½ percent.

I had an opportunity probably more than anyone there to cover all the different units because I had a car put at my disposal and I was regarded as a neutral and could go wherever I wanted to. I went to corps headquarters, division and brigade headquarters, to regimental post commands, to the front-line battalions, and the outposts. Day and night I was in touch with both the officers and the men. I knew of no insubordination whatever or never heard of any until I read the anonymous letter in the Times-Herald. The charges that are made against the morale, discipline, and efficiency of the National Guard should be answered, because the attention of Congress has been called to them specifically by the Times-Herald. Mr. Speaker, I want to take this opportunity to say that there are no more loyal Americans than the members of the National Guard. [Applause.] They have proven their loyalty. They proved it long before those of us who are now so interested in national defense due to war hysteria began even thinking in terms of national defense. They sacrificed their time and their jobs because they believed in national defense years ago, and they volunteered and served in the guard. There is every reason to believe that those volunteers make better soldiers than those who are forced to serve even against their will, as they would be by any conscription in peacetime.

In comparison to the Regular Army the enlisted men of the National Guard are of a higher type than that of the Regular Army and given the proper equipment and adequate training the National Guard man will make a better soldier than those in the Regular Army. I doubt if that statement will be denied by any well-informed Regular Army officer.

I am a Reserve officer with the kindliest possible feeling toward the Regular Army. I was brought up opposite West Point and I know a great number of Regular Army officers and have faith in them. I do not think you will find a higher type of citizen in the United States than our Regular Army officers, but there is much to be desired among those who have enlisted in our Regular Army. As between the enlisted men of the Regular Army and the National Guard I will take the National Guard every time.

In these maneuvers, of course, there was a sad deficiency in matériel. We did not have sufficient tanks, antiaircraft guns, airplanes, and antitank guns, but as far as the maneuvers were concerned they went off like clockwork. The staff work was excellent, the troops were transported there, fed, clothed, and put in the line with little or no confusion.

They carried out their mission according to the plans of General Drum and his staff, and I have not one single word of criticism after 2 weeks spent as an observer at those war maneuvers, the greatest single war maneuver ever held in the United States in times of peace or since the World War. I hope the other war maneuvers in other sections of the United States will be as successful as those that were held in the northern part of New York State.

General Drum asked me to submit a report, which has nothing to do with the charges that were made by this anonymous guardsman. Let me say about this guardsman: He was a member of the Twenty-ninth Division, a Maryland-Virginia division, which confronted the First Regular Army Division, supposed to be the crack division of the United States Army. It was a motorized division, by the way. Some of the Regular Army officers thought that the First Division, being motorized, and a part of the Regular Army, would overrun the Twenty-ninth and Twenty-eight National Guard divisions, which were opposing them. Just the opposite occurred. The motorized division took the defensive and got out of touch with the Forty-third Division on its flank. The Maryland-District of Columbia-Virginia outfit, the Twenty-ninth, and it happened to be the Fifth Maryland Regiment, seeing the opening, siezed the opportunity to get into the rear of the First Division, and captured the bridges in its rear over which it had crossed. The Twenty-eighth Pennsylvania Division outflanked the First Division on the other flank and took 300 of its trucks. Within 24 hours after the battle had commenced the First Regular Army Division was completely surrounded and would have been destroyed except that for the purpose of carrying on the maneuvers the umpires had to let it get back into its original position.

That is nothing against the First Division, but it is something in favor of the National Guard divisions, their officers and staff, and particularly the Twenty-ninth Division. We

have in this House as Assistant Parliamentarian Lieutenant Colonel Roy, who took part in those maneuvers. He is a lieutenant colonel in the Twenty-ninth Division of the District of Columbia Guard. [Applause.] I have discussed this matter with him, and he is in entire accord with my views that these charges are utterly unwarranted and are false. I believe they are deliberately malicious. It may be a planned attempt to undermine the confidence of the Members of Congress in the National Guard, because this was called to the attention of the Members of Congress, maybe in order to turn them in favor of some kind of conscription as opposed to the volunteer system.

Mr. Speaker, in the time remaining to me I want to read a report that I wrote for General Drum, through the channels, on the maneuvers held last week in northern New York. It is, as follows:

HEADQUARTERS DIRECTOR,
FIRST ARMY MANEUVERS,
Canton, N. Y., August 22, 1940.

To: Col. C. W. Wickersham, Infantry Reserve.
From: Col. Hamilton Fish, Special Reserve.

The military-training program organized and conducted by Lt. Gen. Hugh A. Drum during the month of August in St. Lawrence County, in northern New York, far surpassed anything of its kind since the World War.

The war maneuvers simulating actual battle conditions for three Army Corps consisting of approximately 100,000 men composed of elements from all branches of the service, including Regular Army, National Guard, and Reserve officers, was conducted with great skill and efficiency, and run according to a prearranged schedule with clocklike regularity.

The transporting, feeding, and providing for an Army of 100,000 soldiers in peacetime is a difficult problem in itself. There was not a single hitch in this program essential to the success of large military maneuvers.

The actual battle maneuvers that followed the preliminary training were conducted in such a realistic manner that both officers and men learned from actual experience under battle conditions to put into effect what they had acquired from months and years of military training. This combat exercise following preliminary military training is invaluable and absolutely essential in order to train an army to meet any potential enemy.

The largest peacetime maneuvers held in the United States since the World War were run smoothly, intelligently, and with a minimum of confusion, and were highly instructive and of great military value in promoting the national-defense program and the actual defense of our country.

The spirit shown by officers and men throughout the maneuvers was excellent. The entire personnel were imbued with a desire to learn the art of war which was demonstrated by the intense interest and cooperation shown by all elements of the service participating in the maneuvers.

One of the indirect results of the large-scale peacetime maneuvers was to promote a better understanding, respect, and cooperation between Regular Army, National Guard, and Reserve officers, and of equal importance the appreciation of our armed forces by the press and the public. The peacetime maneuvers were conducted in such an admirable manner as to gain the confidence and the support of the American people who are vitally interested in national defense.

RECOMMENDATIONS

A. Immediate appointment of an appropriate Army Board to consider and report on the adoption of a uniform for both officers and enlisted men. Present uniforms are lacking in uniformity and have little or no camouflage in the field. In addition the uniform of the enlisted men are far from smart and that of the officers far from being uniform.

B. Equipment. New Allis-Chalmers tractors for 155 G. P. F. so hastily constructed that they are literally shaking the bolts out everytime they are used. Tractors with 60 hours' use are almost unserviceable. The exhaust pipe on the hood permits noxious gases to blow into the driver's face making him ill. Immediate investigation urged before large numbers of these tractors are ordered.

C. Stress the importance of continued training in establishing more adequate, intelligent, and speedier liaision between front-line battalions and the air service. Room for much improvement, practice, and coordination.

D. The use of tanks and motorized artillery and infantry into compact, rapid, hard-striking units to envelop the flanks of the enemy or to break through the center in order to disrupt the rear communications is of major importance and ought to be immediately put into effect by the War Department.

E. Artillery psychology needs shaking up in order to attune to the use of tanks, armored and scout cars and the possibility of effecting heavy and critical losses on attacking enemy infantry and cavalry by direct fire at 1,000 to 1,500 yards when field of fire affords opportunity. Use of artillery should be more aggressive and more flexible.

F. The liaison from division and brigade to front lines should be more effective. The regimental commander often has no idea of the location of the brigade or division CP. There should be more motorcycles assigned to both division and brigade headquarters. Both division and brigade should take more initiative and go after information instead of waiting for it.

G. The northern section of New Yerk State has proved to be admirably adapted for war maneuver purposes and training during the summer months.

Strongly urge the immediate expansion of Pine Camp, N. Y., by acquisition of 50,000 acres of additional land to make it an effective and permanent artillery training center. Also, the acquisition of 200,000 acres of land by the Federal Government or State, 20 miles south of Pine Camp for permanent maneuver grounds. This land is well adapted to maneuvers and training purposes, consisting largely of abandoned or poor farms and can be bought at a comparatively small cost. There is available a stretch of land 30 miles from north to south and 18 miles from east to west. I am convinced, after inspection, that the best interest of both the State and Nation would be served by immediate purchase of these lands in order to establish a permanent military training and maneuver site in northern New York irrespective of the developments in Europe.

HAMILTON FISH,
Colonel, Specialist Reserve.

In conclusion, Mr. Speaker, I want to take this opportunity to say that the American volunteer, given adequate training and equipment, is the equal, if not the superior, of any soldier in any army in the world. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include the report to which I referred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. FISH]?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 45 minutes.

THE RIGHT OF FREE SPEECH

Mr. WOODRUFF of Michigan. Mr. Speaker, sometime ago I had occasion to address this House in protest against an unfair and un-American attack on the character of a man who winged his way over the ocean to France. Alone, unaided except by his supreme and magnificent faith, he wrote a saga of the air, and embellished and emblazoned by his heroic exploits one of the most shining pages in American history. I rose on the other occasion to deliver my remarks in defense of this man's right to speak his views, not because he needed my humble defense, but because my own ideals of Americanism, and my own sense of decency and fair play impelled me to speak.

Again I rise in this Chamber, Mr. Speaker, to address my colleagues not in defense of the Lone Eagle, but in defense of the fundamental right of free speech. It is true that again Col. Charles A. Lindbergh is one of the individuals involved. But I want to say to you, sir, that every restriction sought by the New Deal administration or by any others to be placed upon the freedom of speech of Col. Lindbergh, every limitation sought to be laid upon his rights, as a citizen, to express his sentiments and his views, every false insinuation leveled at him, every unfair epithet applied to him, is fundamentally directed at every citizen in these United States who believes in his or her right to express opinion or sentiment upon those matters which vitally concern them.

We must remember that we cannot limit the speech of one without potentially limiting the speech of all. The moment we accept in this country the technique of character assassination in order to prevent free and frank discussion, we have set up that weapon of character assassination not against one citizen of this Nation alone, but against all citizens of this Nation. If such a technique were accepted in this country, it would be a technique not against an individual or a political party, as such, but against the whole Constitution and the Bill of Rights.

The first time Colonel Lindbergh was attacked for his addresses, it might possibly have been ascribed to an unwise overzealousness on the part of the New Deal proponents. But it has happened again. There is a singular, and exceedingly sinister, aspect of this second attack which I believe the members of this House will see as I see as a deliberate, dangerous, unfair, and un-American practice which has grown

up in the New Deal administration. Almost as soon as it became known that Colonel Lindbergh was going to deliver an address over the air, and 2 days before he did so, the New Deal appointed one of its ablest spokesmen to answer Colonel Lindbergh, even before the administration possibly could know what he was going to say. Now, what does this mean? What does it indicate, Mr. Speaker?

You will recall, sir, that following the President's attempt to pack the Supreme Court, his vengeance and that of his anonymous cohorts sought to satisfy itself by the purging of those Senators whose patriotism and innate integrity prevented them from yielding to the demands of the Chief Executive that they strike down the independence of the judiciary. The new dealers boasted that they were going to purge those men. They were to be liquidated from public life, said the White House janizaries. These administration "hatchet" men were, as Col. Hugh Johnson would say, going to do an "ax" job on them. Where did these new dealers get their terms of "purge" and "liquidate?" Why, Mr. Speaker, those terms came across the seas from the delectable Mr. Stalin's terror-ridden Russia. Those terms fell from the lips of the fellow travelers who infest the New Deal bureaucracy from end to end.

I see in this second dastardly and cowardly attack on Colonel Lindbergh the policy of purging and liquidating official opponents and critics being extended to the citizens in private life who dare to disagree with this arrogant bureaucratic power in Washington that calls itself the New Deal administration.

I see in this attack on Colonel Lindbergh, Mr. Speaker, an attempt to do an "ax" job on him, just as these new dealers are ready to do an "ax" job on me or you or anybody else who dares to raise his voice against their policies.

Deliberate and inexpressibly shameful falsifications are involved in this second attack on Colonel Lindbergh. There was not a single administration spokesman in official position or out of it who charged Colonel Lindbergh with being biased in favor of the Nazi Government because that Government had decorated him, who did not know the truth about that episode. Why, Mr. Speaker, the whole Nation knows that decoration was unsought and unexpected by Colonel Lindbergh. It was suddenly thrust upon him at a function in the American Embassy under circumstances that to have refused to accept it would have been grossly insulting to a government that was at peace with his own and which was his host. Although his critics might not be able to understand this fact, Colonel Lindbergh, in addition to being a brave and able man, is an American gentleman.

The fact of the matter is, and the whole of America knows this, Colonel Lindbergh has medals from every country in the world. It takes showcases in the St. Louis Museum even to display his collection of medals. When his would-be detractors employ that argument to try to discredit Colonel Lindbergh, they are not saying what he would do for a medal; they are revealing what they would do for a medal.

Now, Mr. Speaker, what does this attack mean? What are we to see in this assault upon a brave and able and an honorable and patriotic gentleman who not only does not have to seek medals, who has been loaded with honors by every nation in the world, but who, instead of seeking publicity, as his traducers intimated, has gone to the most unusual lengths to avoid publicity? What does it mean? It means that there is not an individual, priest or layman, man or woman, great or humble, who cannot expect to be "smeared," and to have an "ax" job done on them by these new dealers if they dare to criticize a single act of this corrupt political bureauracy which sets itself up as being sacrosanct.

Now it matters not at this time whether Colonel Lindbergh was right or wrong in his statements; but it does matter that because he disagreed with the administration one of its official spokesmen should declare him to be the leader of the "fifth columnists" in this country.

A "fifth columnist" is sometimes a traitor, and always a menace to a country. Colonel Lindbergh has not sold out to any country. He is pro-American. But he disagreed with the present administration, and is, therefore, in its view, dangerous. For a second time, deliberately and unfairly, it was pointed out that he received a medal from the Nazi Government. Such innuendo is deliberately false.

It is interesting to note that there is a consistency in these attacks on Colonel Lindbergh and others who have the honesty and courage to disagree with some of the policies of the present administration. The papers announced 2 days before the speech an administration spokesman would answer on the night after the Lindbergh talk.

What does this mean? It means that the administration has a well-planned and subtle technique in which anti-administration speakers are to have the finger of shame pointed at them in an underhanded attempt to discredit what they say. They are to have the dagger of innuendo plunged into their backs to the hilt. They are willing to strike at the very heart of our great constitutional Republic—the right of free speech. They do not attack the arguments of Colonel Lindbergh. There is no fair discussion. They do not directly deny the right of Mr. Lindbergh or others to speak. The attack is much more insidious than that. They rank the man who dares to disagree with their policy with Judas, with the Benedict Arnolds of the past, so that he who disagrees must be doubly brave to withstand not only attacks upon the principles for which he argues but upon his character and reputation as well.

What is the underlying principle back of this attack? Five years ago there were men in Germany who disagreed with the policies of the leader. They were accused of being traitors to the fatherland. Does not this attack on Colonel Lindbergh seem strangely parallel? This type of political technique to eliminate opposition to the leader is very familiar in Russia also, where permanent liquidations of those opposed to administration policies take place regularly. Invariably they are "traitors," or "fifth columnists," because they disagree with the policies of the "leader." This is a criminal offense in Russia and Germany.

And who in this House can deny that the basic principles of Government administration in Russia and Germany are not the same? Who can deny that their leaders reached their power by the same methods? Of course, we in this country have no concentration camps, no Siberia, but do we not have the beginnings of such—when those who disagree with the present administration are held up to the public scorn of the people as traitors? Does there not seem to be a similarity in principle between the actions of the dictators in Europe and the trend of the defenders of administration policy in this country?

We should all have deep respect for the right of free speech. We know that it has been won through oceans of blood; through thousands of individual sacrifices by obscure persons unknown to history, who realized that their only hope for the peace, prosperity, and happiness of their posterity could come through free speech. For with free speech came liberty automatically, and with liberty came opportunity and the right to work and to acquire possessions. That right has made this country the most enlightened the world has ever known.

Free speech made possible the creation of our Constitution. How without daring free speech could our founding fathers have formulated the document that for 150 years has been the marvel of men, the foundation of the security of the people of the United States, and the envy and the hope of the downtrodden people of Europe?

In this country we have had cases where known Communists, working for the definite destruction of our Constitution, were haled into court. They have successfully used for their defense the claim that their constitutional right of free speech was being denied them. These leaders of the present administration were silent in these cases. They did not name such persons "fifth columnists." It is to be remembered, however, that the Communists did not publicly disagree with the administration.

This, I believe, is the first time in our history that a man disagreeing with an administration has been placed in the hateful category of "traitor." Thomas Jefferson, to be sure,

was called an anarchist. Alexander Hamilton was named "the Kingmaker." Our fifth President was called "Monarch" Monroe. But at no time was there ever any hint that these men did not have the best interests of their country at heart.

Without free speech the path toward totalitarian government becomes broad and easy. The first and most powerful obstacle to such a government, is free speech. Without it the acquisition of power in the hands of one man becomes easy.

We have seen how centralization of government obtained in totalitarian countries. We know that they were founded upon a strong tax on production by the central government and by the obliteration of free speech. This latter was made possible by arbitrary censorship of public means of communication; by the decision of one man as to whether a radio program or a pamphlet or a speech was good or not good for the people. This attitude was stimulated by the constant cry of "traitor" by the defenders of the leader toward those who disagreed with them.

In the past 8 years the whole administration has tended to become strongly centralized. While praising Thomas Jefferson as the great Democrat, it has belied the very essence of his political creed. I refer, of course, to local autonomy in government so that the people may be protected from the tyranny of bureaucratic rule. "That government rules best which rules least," said Jefferson. And yet today we have more government than ever before in our history. And now this trend has reached the point where spokesmen of the New Deal faith accuse those who disagree with them of being "fifth columnists."

This attitude undermines the very foundations of the principles upon which our Government is based. The major doctrine of our political system is the inviolability of the individual. This is at stake today. The pattern and form of our Government is that of a representative Republic, based upon the Bill of Rights.

Countertrends to the Bill of Rights undermine and emphasize those policies destructive to the freedom of the people.

It is absolutely vital to this Nation that the right of free speech be sustained and not abused by false accusation and witnesses.

The big issue confronting us today is concentration of power, and free speech is the people's weapon against it. The power of the people, both political and economic, has been aborted in its distribution. Power belonging to the citizens of this Republic has been taken from them. It has been delegated to individuals and bureaus. To preserve the Constitution and continue the progress we have made in the past these powers must be given back to the people.

Definitions of the issues must be clarified by free discussion and not confused by name calling. The old American principle that government is a liability to be borne by the people for the sake of peace and order has been smeared over by a new concept of government contrary to our ideals and our faith. This new—or rather very ancient—concept maintains that bureaus and the power of one man are assets without which the people cannot survive. To follow out this concept means the growing centralization which we have today.

The idea is not new. For 5,000 years of government it bore monotonous repetition in all nations. It remained for the members of the Constitutional Convention to figure out a working mechanism of government conformable to the laws of human liberty.

Yet we have seen the power of the people taken from them and placed in the hands of irresponsible bureaucrats not even elected by them. We have been told that this must be because things are not as they were; that opportunity has disappeared in this country; that we have reached the limits of our growth. Is this true? And if it be true, must we forego the liberty and the productive enterprise that have made us a Nation with the highest standard of living the world has ever known? Must we now follow the already well-beaten track of European war lords? Must this philosophy of defeat be silently admitted so that those of us who do not agree will avoid the stigma of being called "fifth columnists"?

Today we face major problems. The decisions that we make will affect not only this Nation but the history of the entire world. To accuse a man who disagrees with you of being a traitor in an effort to silence all opposition to a concept of government at variance with the whole spirit of the Constitution is not conducive to constructive thought nor helpful in making those decisions which is our responsibility as legislators.

To thus try to silence free speech is to place this administration and its leaders above the great contributors of political thought who have made this Government possible. The Constitution is based entirely upon the responsibility of the Government to the citizen, while the citizen supports the Government. To take away his power in government, to foist weighty and intricate rules made by equally anonymous and intricate bureaucracies upon him, and then, if he disagrees, to call him traitor is to destroy the basic idea of self-government.

Our old leaders whom we revere were not wrong. Were Jefferson, Washington, Monroe, Jackson, Lincoln wrong because they believed in self-government and free speech?

Mr. Speaker, to abuse and threaten free speech is the road to dictatorship. The trend is obvious to those who will look. More and more is the emphasis placed upon the leader instead of his policies. Hence the third-term attempt. More and more is the power of the people placed in his hands. The very reason for a Constitution eventually disappears as such a trend progresses.

Our Constitution was created to prevent the giving of too much power to any one man. If this power be given to him despite this, then there is no need of a Constitution, and self-government of, by, and for the people becomes an empty phrase over which historians can speculate a century hence.

For it is not the "forgotten man" that we must worry about today. It is the forgotten Constitution, and its principles, we must remember. It has lived for 150 years. That is longer than any written Constitution has ever lived in the history of the world. Under it, a tiny nation, sneered at by arrogant European governments, grew and prospered beyond all reckoning. It grew from 3,000,000 people to 130,000,000 in a century and a half, one hundred and thirty millions who enjoy today the highest standard of living the world has ever known. Our culture is so far superior to that of any other nation as to be beyond comparison, and it is today the responsibility of the House of Representatives that it be maintained.

We attained our present standards not by the orders of a leader or by the arrogant regulations of bureaucracies, but by free speech and all those things that follow where free speech leads. The heart of free speech and its principles rest in this chamber, and I predict that the powers granted the bureaucracies and the New Deal will be given back to the people through the actions of this House. For I think we are all aware that freedom of spirit in this country follows only fair assumptions by one man about another, or by one nation about another; and they are, by and large, Christian assumptions based on sincerity and honesty. These things being true, it ill behooves anyone to accuse another of being a "fifth columnist" because he dares voice his sentiments as a citizen. The action is not American in thought. It is European in concept and is contrary to our whole idea of government and the spirit of our Constitution. And it is not quaint, though some may think so, to admire and respect our Constitution, for it remains the most dangerous document to dictators in the world today and its essence is free speech. [Applause.]

The SPEAKER pro tempore. Under a previous special order, the gentleman from Nebraska [Mr. CURTIS] is recognized for 15 minutes.

FARM CONDITIONS IN NEBRASKA

Mr. CURTIS. Mr. Speaker, on several previous occasions I have called the attention of the House of Representatives to the extreme drought conditions existing in many of Nebraska's counties. I trust that I will not bore the House by further discussing that situation at this time. Over a wide-

spread territory in the heart of Nebraska the farmers are experiencing their seventh consecutive year of total crop failure. There were some spring rains this year and the prospects for wheat and other small grain at one time looked very good but another devastating drought came and for many sections there was no wheat or other grain at all. On one previous occasion I told the House of Representatives of the information handed to me by a local representative of the Federal land bank, located at Hastings, Nebr. This organization had leased out 97 farms and they report to me that the total income for wheat for those 97 farms was $403, or less than $5 per farm. In addition to that, the corn was entirely burned up and there would be no corn at all. It was destroyed by the drought long before the formation of ears on the stocks began.

This has created a great shortage in feed. This serious situation exists not only for the farmer who has had to receive Government help in the past, but it is a far-reaching problem that touches all of the farmers. It is resulting in the drying up of the milk cows, and the intense heat in some instances has thrown the hens in the farm flocks to an early moult, thus greatly lessening the number of eggs received. The price of corn and of forage feed is very high, so that it is practically prohibitive for the farmers to buy it on their own. Many farmers are compelled to sell their milk cows and the price is running around $21 per head.

Unless some arrangement is made to send feed into this territory it will mean that a great many farmers will have to dispose of all of their cows, pigs, and chickens, and go on relief. This not only creates a very disturbing and serious problem for the coming winter, but it means that they will be unable to carry on on a self-sustaining basis when another season arrives.

I proposed to this Congress that surplus corn now in Government storage be released in this drought area in sufficient quantities, so that the family-type farms may keep their milk cows and a few hogs over the winter to start in with next year, and that they may feed their flocks of chickens. We are not asking that the Government make an outright gift of this corn but we feel that these drought-stricken American farmers should be permitted to buy this corn on the same basis as foreign countries buy it. Recently the United States Government sold approximately 50,000,000 bushels of corn to Great Britain at 50 cents a bushel. In the name of humanity and in all fairness I cannot see why these distressed American citizens are not allowed the same privilege of taking some of that surplus corn off the market.

Another proposal that has been made is that the farmers be permitted to borrow corn from the Government. They could then give a contract to pay which contained an option that they would repay in bushels, instead of dollars, in a period of 3 to 5 years. The amount of corn that any farmer would be allowed to be based upon the acres of corn planted this year. It has been suggested that he be permitted to buy say 10 bushels per acre, based upon the amount of corn that he planted and took care of. This is far less than what a normal yield of corn would be. Such a plan would mean everything to the distressed farmers of Nebraska. But in addition to that, think of the gain that would come to the United States Government. It costs the Government of the United States about 10 cents per bushel per year to keep this stored corn. The Government would save that amount, and at a later period receive the same number of bushels of corn. I am informed that the Government of the United States owns outright at this time about 95,000,000 bushels of corn.

The last-mentioned plan for the borrowing of corn has been suggested to me by a number of farmers and other citizens of Nebraska. It was first proposed by Mr. Hugh Butler, prominent farmer and businessman. It has met with the approval not only of Nebraska farmers but many of the public-spirited citizens of Nebraska. They believe that this Butler corn-loan plan is worthy of sympathetic consideration by the Department of Agriculture.

Yesterday morning I spent the time at the Department of Agriculture discussing the condition of these drought-stricken farmers and urging that feed be made available to them along the line that I have suggested. I talked with a number of men in the Department of Agriculture. In the absence of Mr. Milo Perkins, of the Federal Surplus Commodities Corporation, I talked to the vice president, Mr. Philip F. Maguire. He gave careful and sympathetic attention to my mission there and made some helpful suggestions. I was unable to personally see either Mr. Carl B. Robbins or Mr. John D. Goodloe, of the Commodity Credit Corporation.

I also had an interview with Mr. G. S. Mitchell, assistant to Mr. Baldwin in the Farm Security Administration. Mr. Mitchell was familiar with the drought condition prevailing throughout my territory and while the plan I proposed was not entirely within the jurisdiction of the Farm Security Administration, I did appreciate the kind attention he gave to the matter.

Mr. Claude R. Wickard, the newly appointed Secretary of Agriculture was out of the city and will be out until after Labor Day. I had an interview with the Under Secretary of Agriculture, who appeared to be in charge, Mr. Paul H. Appleby. It would perhaps be unfair for me to suggest that my interview with Mr. Appleby was not satisfactory, because the man was very, very busy.

I think, however, that this Congress, as well as the drought-stricken and hungry farmers of Nebraska, would be interested in knowing why Mr. Appleby was so busy. Mr. Appleby was so terribly busy that it was hard for the needs of these poor, drought-stricken farmers to enter his consciousness. In fact, Mr. Appleby just had a lot of things to do. Apparently, Mr. Appleby has been selected to mobilize the vast and far-reaching organization of the Department of Agriculture, to pernicious and unlawful political activities for the election of Henry Wallace and Franklin D. Roosevelt, the Hatch pure-politics law notwithstanding.

Our conversation was interrupted by four telephone calls. I believe the people ought to know about those telephone calls. All four of them were of a political nature. First, he got a call from some New Deal henchman and they discussed matters relative to the campaign. Among other things, Mr. Appleby said that he would see that the party calling was furnished with several copies in advance of Mr. Wallace's acceptance speech. Now, to keep these New Deal bureaucrats in power, I expect such a mission was more important than the problems of the distressed farmers of a great State.

After this telephone call we again started to talk about the Nebraska situation and there was another telephone call from some New Deal lieutenant. This time Mr. Appleby discussed the speaking schedule. It seems as though they had been lined up for September but thought it unwise to make any arrangements for October. Two or three times in that conversation he referred the man to Mr. Ed Flynn, the chairman of the Democratic National Committee. I could not believe my ears, just think of it, that the great Department of Agriculture was more interested in farmers' votes than in farmers' welfare. After this conversation about the speaking dates we again resumed our talk about the Nebraska farmers. I was under the impression that the Department of Agriculture existed for the Nebraska farmers and the farmers in the other 47 States, but apparently I was mistaken in that assumption. Soon he was called to the phone again. It was another political conversation. This time it appears as though someone had some material to suggest that should go into the Honorable MARVIN JONES' speech of notification of Henry Wallace at Des Moines. I am glad to say, however, that Mr. Appleby made the statement that he thought the gentleman from Texas, Mr. MARVIN JONES, had already written his own speech. And I say "Hurrah for Mr. JONES." I am proud of him. But at any rate the conversation revealed that someone, somewhere, had some ideas that ought to go into that speech and they talked it over. Mr. Appleby thought that it probably should be looked over anyway.

After the Marvin Jones speech had been discussed we again started to take up something about some feed for the hungry livestock in the State of Nebraska. But there was another interruption. This time it was another telephone

call from a Mr. Early; if I remember correctly, that is the name of the secretary to the President. At that time I found it necessary to leave, and thus ended my conference in behalf of American citizens whom I represented.

I want to say to this House and to the Nation that these New Deal bureaucrats, who make political capital of human misery, and who will resort to anything to perpetuate themselves in power, will have to answer to the American people. We know as long as they are in charge of things that there will be no prosecutions under the Hatch Act, neither will there be any dismissal of the offenders.

The policy denying to distressed and worthy American citizens the same opportunity to buy cheap corn as extended to the citizens of foreign lands can never be defended before the American people. The humanitarianism of the crowd that love Argentine beef better than American beef is but a sham, a pretense, and a fake. [Applause.]

Gentlemen, this is a great tragedy. That great Department of Agriculture, created to help American farmers, organized and started out by that illustrious and distinguished Nebraskan and Secretary of Agriculture, J. Sterling Morton, must be returned to the American farmers. The New Deal political vultures must be cast into oblivion, from whence they came. [Applause.]

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from South Dakota.

Mr. MUNDT. The gentleman is an able and tireless worker for the people of his district and is recognized as a real friend of the farmer. The gentleman has given us a very interesting and intriguing review of his experience in visiting the Department of Agriculture. The gentleman's concluding remarks, expressing the belief that a Department of Agriculture should exist primarily to aid the farmers, calls to my mind the fact that when we were discussing parity payments for the farmer, both times in this Congress we had considerable difficulty in convincing some of our colleagues on both sides of the aisle from the metropolitan areas that the farmers needed parity, needed some assistance from the Government.

The bipartisan bloc which we formed to secure these parity payments, and to which both the gentleman from Nebraska and I belonged, suffered considerably from the handicap that neither the Secretary of Agriculture nor President Roosevelt had made any recommendations in the Budget for such parity payments. I believe that had they made such recommendations we would have had a much easier time in our fight to secure the parity payments for agriculture.

Mr. CURTIS. At the same time other officials in the Department of Agriculture were having the people back home put the "bee" on Congress and directing the attention of the people to them as responsible, when there was no Budget estimate for such payments. Mr. Wallace should have made the request for the payments to the Bureau of the Budget.

Mr. MUNDT. I imagine that when the speech of acceptance is made in Des Moines somebody will be claiming credit for parity payments who was not fighting on the firing line when we needed him during that battle and when he was making his annual budgetary recommendations.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Wisconsin.

Mr. MURRAY. Does the gentleman know who Mr. Appleby is?

Mr. CURTIS. No; I do not.

Mr. MURRAY. My information on him is that he graduated from Grinnell College, the same one, I believe, from which Mr. Hopkins graduated, and that he is not an agricultural man and has never been to an agricultural college.

I believe it is time the people of this country recognize that in view of the fact that we have a 50-year background of agricultural colleges all over the United States we cannot accept the program of putting professional politicians in the Department of Agriculture. It is a reflection on our agricultural colleges that in 50 years' time we have not developed men who are capable of being even Under Secretary of Agriculture. They may make good vote getters, but it is wrong to the farm people of this country.

Mr. CURTIS. I thank the gentleman for his contribution.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. I have been very much interested in the gentleman's observations. Today I was amazed to hear—and I hold here documents to prove it—that in 1937 and 1938 the President of the United States vetoed twice, once each year, a bill that would give us a lower rate of interest upon these same loans by the Federal Land Bank yet we recently had in our State a great meeting attended by this same Secretary of Agriculture in behalf of a so-called debt-adjustment bill, leading the farmers in our State to believe that they were so much in favor of reducing the rates of interest.

[Here the gavel fell.]

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3976. An act for the relief of Violet Knowlen, a minor;

H. R. 6061. An act for the relief of Hazel Thomas;

H. R. 6334. An act for the relief of Pearl Waldrep Stubbs; and

H. R. 8605. An act for the relief of Mary Janiec and Ignatz Janiec.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Thursday, August 29, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation on Thursday, August 29, 1940, at 10 a. m., in room 128, House Office Building, for the purpose of considering H. R. 10122.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Thursday, August 29, 1940, at 10 a. m., for the consideration of the defense-housing bill.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads on Friday, August 30, 1940, at 10 a. m., for the purpose of considering all fourth-class postmasters' salary bills.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, September 5, 1940 at 10 a. m. on the following bill: H. R. 10380, a bill to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

1926. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting a supple-

mental estimate of appropriation for the Public Health Service, Federal Security Agency, fiscal year 1941, amounting to $52,600 (H. Doc. No. 941), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 581. Resolution for the consideration of S. 4271, an act to increase the number of midshipmen at the United States Naval Academy; without amendment (Rept. No. 2887). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 87. Concurrent resolution authorizing the Committee on Ways and Means of the House of Representatives to have printed additional copies of the hearings held before said committee on proposed legislation relative to the Excess Profits Taxation Act for 1940; without amendment (Rept. No. 2888). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOREN: Committee on Interstate and Foreign Commerce. Senate Joint Resolution 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts; without amendment (Rept. No. 2889). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9982. A bill to require, during an emergency, the shipment and discharge of seamen on certain vessels of the United States before shipping commissioners, and for other purposes; with amendment (Rept. No. 2892). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 583. Resolution for the consideration of H. R. 10413, a bill to provide revenue, and for other purposes; without amendment (Rept. No. 2893). Referred to the House Calendar.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 10413. A bill to provide revenue, and for other purposes; without amendment (Rept. No. 2894). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2895. Report on the disposition of records in the Federal Works Agency, United States Housing Authority. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2896. Report on the disposition of records in the Federal Works Agency, Work Projects Administration. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2897. Report on the disposition of records in the Civil Service Commission. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2898. Report on the disposition of records in the Department of the Interior. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2899. Report on the disposition of records in the Department of Agriculture. Ordered to be printed.

Mr. SOUTH: Committee on Interstate and Foreign Commerce. H. R. 10398. A bill to amend part II of the Interstate Commerce Act (the Motor Carrier Act, 1935), as amended, so as to make certain provisions thereof applicable to freight forwarders; with amendment (Rept. No. 2901). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MASON: Committee on Immigration and Naturalization. H. R. 9625. A bill for the relief of Moses Limon and Ida Julia Limon; with amendment (Rept. No. 2890). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10244. A bill for the relief of Dr. Michel Konne and Pauline Lucia Konne; without amendment (Rept. No. 2891). Referred to the Committee of the Whole House.

Mr. JENKS of New Hampshire: Committee on Naval Affairs. H. R. 7916. A bill granting 6 months' pay to Lillian M. Reymonda; with amendment (Rept. No. 2900). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota:

H. R. 10422. A bill to eliminate, as a source of potential danger in case of invasion or threatened invasion, certain gas tanks in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AUSTIN:

H. R. 10423. A bill to authorize a preliminary examination and survey of the Byram River and its tributaries in the State of Connecticut for flood control, for run-off and waterflow retardation, and for soil erosion prevention; to the Committee on Flood Control.

By Mr. NORRELL:

H. R. 10424. A bill to authorize the construction of drainage facilities in levees on the south bank of the Arkansas River below Pine Bluff, Ark.; to the Committee on Flood Control.

By Mr. KEAN:

H. Res. 582. Resolution providing for an investigation of the slum-clearance and low-rent housing program; to the Committee on Rules.

By Mr. FISH:

H. Res. 584. Resolution requesting the Secretary of the Navy to transmit information on airplane contracts; to the Committee on Naval Affairs.

H. Res. 585. Resolution requesting the Secretary of War to transmit information on airplane contracts; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota:

H. R. 10425. A bill granting a pension to Leo P. Thomas; to the Committee on Invalid Pensions.

By Mr. PETERSON of Florida:

H. R. 10426. A bill to provide for placing Leland Cavanah Poole on the retired list of the United States Navy as a lieutenant (junior grade), United States Navy; to the Committee on Naval Affairs.

By Mr. REECE of Tennessee:

H. R. 10427. A bill granting a pension to Mary A. Green; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9236. By Mr. DICKSTEIN: Petition of Dr. Bernard Drachman, president, Jewish Sabbath Alliance of America, and many others; to the Committee on Military Affairs.

9237. By Mr. GREGORY: Petition of P. W. Ordway, president, representing Young Business Men's Club of Murray, Ky., favoring material aid to the Allies, etc.; to the Committee on Military Affairs.

9238. By Mr. LYNCH: Petition of the National Maritime Union of America, opposing peacetime conscription; to the Committee on Military Affairs.

9239. Also, petition of the Trade Union Athletic Association, New York, N. Y., opposing the Burke-Wadsworth bill; to the Committee on Military Affairs.

9240. Also, petition of the United Office and Professional Workers of America, New York, N. Y., opposing the Burke-Wadsworth bill; to the Committee on Military Affairs.

9241. Also, petition of Local No. 1, Brotherhood of Telephone Workers, opposing peacetime conscription; to the Committee on Military Affairs.

9242. By Mr. SUTPHIN: Petition of the Lions Club of Freehold, N. J., urging speedy passage of the Burke-Wadsworth bill, calling for selective compulsory military training; to the Committee on Military Affairs.

9243. By Mr. WARD: Petition of sundry citizens of the First District of Maryland, to transfer at least 60 of our overage destroyers to Great Britain; to the Committee on Military Affairs.

9244. By the SPEAKER: Petition of the American Legion, Department of Mississippi, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9245. Also, petition of the Grand Aerie, Fraternal Order of Eagles, Marion, Ohio, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

SENATE

THURSDAY, AUGUST 29, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, Holy Ghost, sanctifier of the faithful, visit, we pray Thee, this people with Thy love and favor; enlighten their minds more and more with the light of the everlasting gospel; graft in their hearts a love of the truth; nourish them with all goodness; and of Thy great mercy keep them in the same, O blessed Spirit, whom with the Father and the Son together we worship and glorify as one God, world without end. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, August 28, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Lee	Sheppard
Andrews	Donahey	Lucas	Shipstead
Ashurst	Downey	Lundeen	Slattery
Austin	Ellender	McCarran	Smathers
Bailey	George	McKellar	Smith
Bankhead	Gerry	Maloney	Stewart
Barkley	Gibson	Mead	Taft
Bone	Glass	Miller	Thomas, Idaho
Bridges	Green	Minton	Thomas, Okla.
Brown	Guffey	Murray	Thomas, Utah
Bulow	Gurney	Neely	Tobey
Burke	Harrison	O'Mahoney	Townsend
Byrd	Hatch	Overton	Truman
Byrnes	Hayden	Pepper	Tydings
Capper	Herring	Pittman	Vandenberg
Caraway	Hill	Radcliffe	Van Nuys
Chandler	Holt	Reed	Wagner
Chavez	Hughes	Reynolds	Walsh
Clark, Idaho	Johnson, Calif.	Russell	Wheeler
Clark, Mo.	Johnson, Colo.	Schwartz	White
Connally	La Follette	Schwellenbach	Wiley

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], and the Senator from Utah [Mr. KING] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from New Jersey [Mr. BARBOUR] is attending the funeral of Mr. Seger, late a Member of Congress from the State of New Jersey.

The following Senators are unavoidably absent:

The Senator from Oregon [Mr. MCNARY], the Senator from Pennsylvania [Mr. DAVIS], the Senator from North Dakota [Mr. FRAZIER], the Senator from Massachusetts [Mr. LODGE], the Senator from Nebraska [Mr. NORRIS], and the Senator from North Dakota [Mr. NYE].

The PRESIDENT pro tempore. Eighty-four Senators have answered to their names. A quorum is present.

JUNE REPORT OF THE RECONSTRUCTION FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of June 1940, including statement of loan and other authorizations made during that month, etc., which, with the accompanying papers, was referred to the Committee on Banking and Currency.

MRS. GUY A. M'CONOHA

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 760) for the relief of Mrs. Guy A. McConoha, which was, on page 2, line 2, to strike out all after the word "*Provided*", down to and including "$1,000" in line 14, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. WHEELER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SURETY BONDS FOR NAVAL-CONSTRUCTION CONTRACTS

Mr. WHEELER presented telegrams and a letter relative to surety bonds for naval-construction contracts, which were ordered to lie on the table and to be printed in the RECORD, as follows:

BILLINGS, MONT., *August 26, 1940.*

Hon. B. K. WHEELER,
Senate Office Building, Washington, D. C.:

We are vitally interested in the passage of amendment to H. R. 10263, striking out provision authorizing Navy Department to waive performance and payment bonds required by law for many years. We and others in similar business will be deeply grateful if you will support this amendment.

C. M. HOINESS.

HELENA, MONT., *August 24, 1940.*

Senator B. K. WHEELER:

H. R. 10263, now before Senate, would have effect of waiving surety bonds on naval-construction contracts. We submit the Government is entitled to and has insisted upon a guaranty of completion of all contracts heretofore awarded and cannot consistently make exceptions to such important work as naval construction. We respectfully ask your support of amendment which will be introduced on Senate floor restoring present provisions of Miller Act requiring such bonds.

Thanks and kindest regards,

MONTANA ASSOCIATION OF CASUALTY AND SURETY EXECUTIVES,
By MARK FARRIS.

MONTANA ASSOCIATION OF CASUALTY AND SURETY EXECUTIVES,
By MARK FARRIS.

Senator B. K. WHEELER,
Washington, D. C.

MY DEAR SENATOR: Enclosed is confirmation of telegram which we sent you today.

We will appreciate your support of the amendment to H. R. 10263, which will be introduced on the Senate floor and which restores the present provisions of the Miller Act requiring surety bonds on construction contracts awarded by the Government.

The Government has consistently required surety bonds on all kinds of contracts which it has awarded heretofore, and we can see no good reason to except naval construction, especially in these days of "fifth columnist" activities. In other words, we feel that if we are going to build ships, let us do it in an orderly and business-like manner. Suretyship is the only guaranty that a contract will be completed according to specifications.

Thank you for your kind consideration of this important piece of legislation.

With kindest personal regards, I am,

Respectfully yours,

MARK FARRIS, *Treasurer.*